

SB 1443 by Zaffirini

Relating to the academic costs charged to resident undergraduate students by general academic teaching institutions and certain reports regarding the operational costs of those institutions.

To Committee on Higher Education.

SB 1444 by Shapiro

Relating to exempting the sale of certain property used for research and development from the sales tax.

To Committee on Finance.

SB 1445 by Zaffirini

Relating to the transfer of a student from the school district of the student's residence to another district.

To Committee on Education.

SB 1446 by Zaffirini

Relating to the authority of the Texas Education Agency to seek, accept, determine eligibility for, and distribute grants available for the benefit of public education.

To Committee on Education.

SB 1447 by West

Relating to civil remedy of violations of certain municipal health and safety ordinances.

To Committee on Intergovernmental Relations.

SB 1448 by West

Relating to the enforcement of municipal building and safety ordinances by tenants of buildings; providing civil penalties.

To Committee on Intergovernmental Relations.

SB 1449 by West

Relating to the appointment of a receiver to remedy hazardous properties.

To Committee on Intergovernmental Relations.

SB 1450 by West

Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.

To Committee on Intergovernmental Relations.

SB 1451 by West

Relating to limiting use of money in the Texas Enterprise Fund to recipients that provide health benefit plans.

To Committee on Economic Development.

SB 1452 by West

Relating to a residential property insurance premium discount for certain dwellings.

To Committee on Business and Commerce.

SB 1453 by West

Relating to the eligibility of certain individuals with a terminally ill parent for unemployment compensation.

To Committee on Economic Development.

SB 1454 by West

Relating to the right to an expunction of records and files relating to a person's arrest.

To Committee on Criminal Justice.

SB 1455 by West

Relating to the operation of prison diversion progressive sanctions programs.

To Committee on Criminal Justice.

SB 1456 by Duncan

Relating to the time for bringing an action on a consumer debt.

To Committee on State Affairs.

SB 1457 by Carona

Relating to a waiver of sovereign or governmental immunity by governmental entities that fail to make a timely payment under the Prompt Payment Act.

To Committee on State Affairs.

SB 1458 by Seliger

Relating to the authority of the commissioners court of a county to enter into an ad valorem tax abatement agreement.

To Committee on Economic Development.

SB 1459 by Shapiro

Relating to education initiatives for students of limited English proficiency and students at risk of dropping out of school.

To Committee on Education.

SB 1460 by Shapiro

Relating to professional development academies designed for public school teachers who provide instruction to certain students of limited English proficiency.

To Committee on Education.

SB 1461 by Duncan

Relating to the registration of diagnostic imaging equipment, the accreditation of diagnostic imaging facilities, and the regulation of diagnostic imaging providers; providing penalties.

To Committee on Health and Human Services.

SB 1462 by Carona

Relating to the use of public facilities as emergency shelters during disasters.

To Subcommittee on Flooding and Evacuations.

SB 1463 by Lucio

Relating to the provision of information regarding health care and other benefits for veterans.

To Committee on Veteran Affairs and Military Installations.

SB 1464 by Williams

Relating to the creation of the Harris County Municipal Utility District No. 525; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1465 by Lucio

Relating to refund of excess unearned premiums by insurance premium finance companies.

To Committee on Business and Commerce.

SB 1466 by Davis

Relating to the purchase of cement by the Texas Department of Transportation.

To Committee on Natural Resources.

SB 1467 by Davis

Relating to governmental agency contracts that involve the production of cement.

To Committee on Government Organization.

SB 1468 by Davis

Relating to notice of expiration and price change in retail electric service contracts.

To Committee on Business and Commerce.

SB 1469 by Davis

Relating to the redemption of real property sold at an ad valorem tax sale.

To Committee on Finance.

SB 1470 by Gallegos

Relating to the creation of a separate local workforce development board for certain counties.

To Committee on Economic Development.

SB 1471 by Gallegos

Relating to the composition of certain regional planning commissions.

To Committee on Intergovernmental Relations.

SB 1472 by Gallegos

Relating to public meetings for permit applications under the Texas Clean Air Act.

To Committee on Natural Resources.

SB 1473 by Nichols

Relating to employment services programs for certain residents receiving services from public hospitals or hospital districts.

To Committee on Health and Human Services.

SB 1474 by Nichols

Relating to compensation for certain emergency services personnel.

To Committee on Transportation and Homeland Security.

SB 1475 by Ellis, Van de Putte, Watson

Relating to the notice required by certain mortgage servicers before foreclosing a contract lien on certain real property; providing civil penalties.

To Committee on Business and Commerce.

SB 1476 by Ellis

Relating to the authority of a community health center to contract with or employ an optometrist or therapeutic optometrist.

To Committee on Health and Human Services.

SB 1477 by Uresti

Relating to certain judicial findings required before a court may order a person to receive extended outpatient mental health services.

To Committee on Jurisprudence.

SB 1478 by Carona

Relating to the authority of hospital districts to lease undeveloped real property.

To Committee on Intergovernmental Relations.

SB 1479 by Carona

Relating to exemptions from certain mandated benefit requirements in supplemental or limited coverage health benefit plans.

To Committee on State Affairs.

SB 1480 by Davis

Relating to regulation of electric generation capacity ownership in the electric power market.

To Committee on Business and Commerce.

SB 1481 by Davis

Relating to energy aggregation by political subdivisions.

To Committee on Business and Commerce.

SB 1482 by Davis

Relating to the development and implementation of a wholesale market structure for ERCOT.

To Committee on Business and Commerce.

SB 1483 by Huffman

Relating to the creation of the Galveston County Municipal Utility District No. 76; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1484 by Watson

Relating to delivery of certain services through consumer direction to elderly persons and persons with disabilities.

To Committee on Health and Human Services.

SB 1485 by Watson

Relating to the sale of used, surplus, or salvage property and firefighting equipment by an emergency services district.

To Committee on Intergovernmental Relations.

SB 1486 by Watson

Relating to the qualifications of special education personnel in public schools.

To Committee on Education.

SB 1487 by Watson

Relating to the statewide plan for delivery of services to public school students with disabilities and resources for teachers of public school students with special health needs.

To Committee on Education.

SB 1488 by Watson

Relating to a grant available to school districts to provide services to students with disabilities.

To Committee on Education.

SB 1489 by Watson

Relating to optional dispute resolution methods for school districts and parents of students seeking or receiving special education services.

To Committee on Education.

SB 1490 by Watson

Relating to requirements for the conduct of Texas Education Agency special education due process hearings.

To Committee on Education.

SB 1491 by Williams

Relating to the definition of supplemental environmental projects.

To Committee on Natural Resources.

SB 1492 by Williams

Relating to the delay of retail electric competition in the areas of the state covered by the Southeastern Electric Reliability Council and to the recovery of certain transmission costs by electric utilities in those areas.

To Committee on Business and Commerce.

SB 1493 by Williams

Relating to certain amounts payable by the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

To Committee on State Affairs.

SB 1494 by Williams

Relating to the disclosure of certain ad valorem tax appraisal information and other confidential information.

To Committee on Finance.

SB 1495 by Williams

Relating to the taxation of motor fuels.

To Committee on Finance.

SB 1496 by Williams

Relating to the revocation and reinstatement of an end user number for purposes of purchasing dyed diesel fuel.

To Committee on Finance.

SB 1497 by Williams

Relating to binding arbitration of certain appraisal review board orders.

To Committee on Finance.

SB 1498 by Van de Putte

Relating to veteran's employment preferences.

To Committee on Veteran Affairs and Military Installations.

SB 1499 by Van de Putte

Relating to eligibility of certain children for public school prekindergarten classes.

To Committee on Education.

SB 1500 by Duncan

Relating to the employment of physicians by certain hospitals.

To Committee on State Affairs.

SB 1501 by West

Relating to the eligibility of nonprofit organizations that partner with certain schools to receive grants for agricultural projects.

To Committee on Agriculture and Rural Affairs.

SB 1502 by Seliger

Relating to the authority of the Martin County Hospital District to employ physicians and other health care providers.

To Committee on Intergovernmental Relations.

SB 1503 by Seliger

Relating to the authority of the board of directors of the Dallam-Hartley Counties Hospital District to employ health care providers.

To Committee on Intergovernmental Relations.

SB 1504 by Whitmire

Relating to the concurrent jurisdiction of certain municipal courts in certain criminal cases punishable by fine only.

To Committee on Criminal Justice.

SB 1505 by Whitmire

Relating to the arrest and release on bail or other form of bond of certain criminal defendants with a mental illness or with mental retardation.

To Committee on Criminal Justice.

SB 1506 by Whitmire

Relating to the payment of the costs associated with certain conditions of bond.

To Committee on Criminal Justice.

SB 1507 by Carona

Relating to motor vehicles; providing penalties.

To Committee on Transportation and Homeland Security.

SB 1508 by Carona

Relating to the authority of certain transportation and transit authorities to enforce compliance with high occupancy vehicle lane restrictions by an automated enforcement system; providing for the imposition of penalties.
To Committee on Transportation and Homeland Security.

SB 1509 by Carona

Relating to the Correctional Facility Capacity Commission.
To Committee on Criminal Justice.

SB 1510 by West, Carona

Relating to the authorization to designate and the designation of a portion of Interstate Highway 20 in Dallas County as the President Barack Obama Freeway.
To Committee on Transportation and Homeland Security.

SB 1511 by Watson

Relating to participation in, contributions to, and the benefits and administration of retirement systems for police officers in certain municipalities.
To Committee on State Affairs.

SB 1512 by Watson

Relating to participation in and benefits and administration of retirement systems for firefighters in certain municipalities.
To Committee on State Affairs.

SB 1513 by Watson

Relating to long-term care consumer information made available through the Internet.
To Committee on Health and Human Services.

SB 1514 by Watson

Relating to child support arrearages and a counterclaim or offset based on certain disability payments.
To Committee on Jurisprudence.

SB 1515 by Watson

Relating to a major events trust fund and an events trust fund for sporting and non-sporting events.
To Committee on Economic Development.

SB 1516 by Watson

Relating to certain costs and fees in a Title IV-D case.
To Committee on Jurisprudence.

SB 1517 by Shapleigh

Relating to the right to an expunction of records and files relating to a person's arrest.
To Committee on Criminal Justice.

SB 1518 by Shapleigh

Relating to the regulation of tax refund anticipation loans.
To Committee on Business and Commerce.

SB 1519 by Shapleigh

Relating to the regulation of debt collection agencies; imposing criminal penalties.
To Committee on Business and Commerce.

SB 1520 by Shapleigh

Relating to the protection and care of individuals with mental retardation residing in certain residential care facilities.
To Committee on Health and Human Services.

SB 1521 by Shapleigh

Relating to the regulation of certain boarding houses and assisted living facilities; providing penalties.
To Committee on Health and Human Services.

SB 1522 by Shapleigh

Relating to the exemption of certain school districts from the drainage charge imposed by a municipal drainage utility system.
To Committee on Intergovernmental Relations.

SB 1523 by Shapleigh

Relating to requiring satisfactory completion of a course in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System as a requisite for a degree in architecture at certain public institutions of higher education.
To Committee on Higher Education.

SB 1524 by Shapleigh

Relating to a report regarding research funds received by public institutions of higher education or employees of those institutions from pharmaceutical companies.
To Committee on Higher Education.

SB 1525 by Shapleigh

Relating to physical education and physical activity requirements in public schools.
To Committee on Education.

SB 1526 by Shapleigh

Relating to financial and status reporting requirements for the Border Health Institute.
To Committee on International Relations and Trade.

SB 1527 by Shapleigh

Relating to the creation of an electronic medical record for certain individuals enrolled in the Medicaid or child health plan program.
To Committee on Health and Human Services.

SB 1528 by Shapleigh

Relating to advertising to promote good health by certain persons who advertise food or beverages in public schools.
To Committee on Education.

SB 1529 by Whitmire

Relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

To Committee on Criminal Justice.

SB 1530 by Whitmire

Relating to including playgrounds in the designation of certain places as drug-free zones for purposes of the criminal penalties that apply to certain drug-related offenses.

To Committee on Criminal Justice.

SB 1531 by Whitmire

Relating to the definition of a playground for purposes of certain places protected from certain criminal activities.

To Committee on Criminal Justice.

SB 1532 by Hegar

Relating to certain construction liens under the Texas Residential Construction Commission Act.

To Committee on Business and Commerce.

SB 1533 by Hegar

Relating to persons subject to liability for residential construction defects or regulation as a builder of residential construction.

To Committee on Business and Commerce.

SB 1534 by Hegar

Relating to county assistance districts.

To Committee on Intergovernmental Relations.

SB 1535 by Hinojosa

Relating to nonpayment of hospitals under the state Medicaid program for certain preventable adverse events and to the reporting of occurrences of those events at certain health care facilities.

To Committee on Health and Human Services.

SB 1536 by Uresti

Relating to preferred drug lists, including confidentiality, supplemental rebate, prior authorization, and publication requirements.

To Committee on Health and Human Services.

SB 1537 by Van de Putte

Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel and the spouses of certain deceased and missing military personnel.

To Committee on Veteran Affairs and Military Installations.

SB 1538 by Van de Putte

Relating to establishing veterans resource centers at certain institutions of higher education.

To Committee on Veteran Affairs and Military Installations.

SB 1539 by Carona

Relating to in-casket identification of a deceased person.

To Committee on Health and Human Services.

SB 1540 by Carona

Relating to a nonsubstantive revision of statutes relating to railroads; including conforming amendments.

To Committee on Administration.

SB 1541 by Gallegos

Relating to measuring, monitoring, and reporting emissions.

To Committee on Natural Resources.

SB 1542 by Uresti

Relating to the conduct of investigations, prepayment reviews, and payment holds in cases of suspected fraud, waste, or abuse in the provision of health and human services.

To Committee on Health and Human Services.

SB 1543 by Uresti

Relating to the establishment of the Interagency Literacy Council for the study, promotion, and enhancement of literacy in this state.

To Committee on Economic Development.

SB 1544 by Averitt

Relating to the creation of the Prairielands Groundwater Conservation District; providing authority to issue bonds and granting the power of eminent domain.

To Committee on Natural Resources.

SB 1545 by Averitt

Relating to health benefit coverage for children and grandchildren.

To Committee on State Affairs.

SB 1546 by Uresti

Relating to the creation and administration of a community-based at-risk youth program.

To Committee on Education.

SB 1547 by Ogden

Relating to claims or actions against the state for which legislative consent to a settlement or compromise may be required.

To Committee on Finance.

SB 1549 by Van de Putte

Relating to the calculation by a school district of a high school student's grade point average.

To Committee on Education.

SB 1550 by Carona

Relating to the regulation of certain life settlement contracts; providing penalties.

To Committee on State Affairs.

SB 1551 by Carona

Relating to the operation and regulation of certain consolidated insurance programs.
To Committee on State Affairs.

SB 1552 by Lucio

Relating to unenforceable restrictive covenants affecting residential homes.
To Committee on Intergovernmental Relations.

SB 1553 by Wentworth

Relating to the creation of district courts in certain counties.
To Committee on Jurisprudence.

SB 1554 by Gallegos

Relating to the authority of officers in certain counties to designate a person to receive fees, commissions, or costs.
To Committee on Intergovernmental Relations.

SB 1555 by Gallegos

Relating to the conditions of employment for firefighters employed by certain airport districts; providing penalties.
To Committee on Intergovernmental Relations.

SB 1556 by Gallegos

Relating to the promotion and marketing of alcoholic beverages.
To Committee on Business and Commerce.

SB 1557 by Duncan

Relating to the early identification of criminal defendants who are or may be persons with mental illness or mental retardation.
To Committee on Criminal Justice.

SB 1558 by Carona

Relating to including in the computerized criminal history system certain forensic DNA test results that indicate the person committed another offense.
To Committee on Criminal Justice.

SB 1559 by Shapiro

Relating to the public awareness campaign promoting higher education.
To Committee on Higher Education.

SB 1561 by Shapiro

Relating to developing a developmental education plan for students entering public institutions of higher education.
To Committee on Higher Education.

SB 1562 by Shapleigh

Relating to contracts entered into for the employment of the chief executive officer of a public institution of higher education.
To Committee on Higher Education.

SB 1563 by Shapleigh

Relating to the liability of a public utility that allows recreational use of land that the public utility owns, occupies, or leases.

To Committee on State Affairs.

SB 1564 by Shapleigh

Relating to Tier One Challenge funding to support the development and enhancement of national research universities in this state.

To Committee on Higher Education.

SB 1565 by Van de Putte

Relating to the administration of immunizations and vaccinations by therapeutic optometrists.

To Committee on Health and Human Services.

SB 1566 by Shapleigh

Relating to the acquisition, dissemination, and use of certain geographic information system data.

To Committee on Natural Resources.

SB 1567 by Shapleigh

Relating to creating a pilot project to reduce the need for developmental education required for certain students entering higher education.

To Committee on Education.

SB 1568 by Davis

Relating to lapsed teacher certification due to a delay in agency processing.

To Committee on Education.

SB 1569 by Eltife

Relating to unemployment compensation modernization.

To Committee on Economic Development.

SB 1570 by Carona

Relating to the facilitation, analysis, and implementation of high-speed passenger rail in this state.

To Committee on Transportation and Homeland Security.

SB 1571 by Hinojosa

Relating to the issuance of certain permits for overweight vehicles.

To Committee on Transportation and Homeland Security.

SB 1572 by Hinojosa

Relating to land reclamation projects using tires.

To Committee on Natural Resources.

SB 1573 by Hinojosa

Relating to the governing body of the Agua Special Utility District.

To Committee on Intergovernmental Relations.

SB 1574 by Hinojosa

Relating to the requirement that the county clerk of certain counties prepare a written records management and preservation services plan.

To Committee on Intergovernmental Relations.

SB 1575 by Hinojosa

Relating to the random assignment of criminal and civil cases in district courts in Hidalgo County.

To Committee on Jurisprudence.

SB 1576 by Shapiro

Relating to an algebra instruction grant program.

To Committee on Education.

SB 1577 by Shapiro

Relating to excused absences from public school attendance for a student diagnosed with autism spectrum disorder to attend a health care appointment.

To Committee on Education.

SB 1578 by Shapiro

Relating to service records of professional staff employed by school districts.

To Committee on Education.

SB 1579 by Harris

Relating to the procedure for appointment of counsel for indigent defendants.

To Committee on Criminal Justice.

SB 1580 by Harris

Relating to the imposition and use of certain court costs for breath alcohol testing programs.

To Committee on Criminal Justice.

SB 1581 by Harris

Relating to the appointment of counsel to represent an indigent defendant in a capital case and to the reimbursement of certain expenses incurred by appointed counsel.

To Committee on Criminal Justice.

SB 1582 by Harris

Relating to the criminal penalty for capturing, transporting, or transplanting white-tailed or mule deer without a permit.

To Committee on Agriculture and Rural Affairs.

SB 1583 by Harris

Relating to the trapping and transport of surplus white-tailed deer.

To Committee on Agriculture and Rural Affairs.

SB 1584 by Harris

Relating to the penalties associated with violations of laws pertaining to a deer breeder permit.

To Committee on Agriculture and Rural Affairs.

SB 1585 by Harris

Relating to the approval of a biologist for a permit to trap, transport, and process deer.
To Committee on Agriculture and Rural Affairs.

SB 1586 by Harris

Relating to the establishment of a shared database for deer breeder reporting requirements.

To Committee on Agriculture and Rural Affairs.

SB 1587 by Van de Putte

Relating to a uniform and statewide 9-1-1 emergency services fee on the retail sale of prepaid wireless telecommunications services to consumers.

To Committee on Business and Commerce.

SB 1588 by Ogden

Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

To Committee on Finance.

SB 1589 by Ogden

Relating to the reporting of unclaimed property.

To Committee on Finance.

SB 1590 by Ogden

Relating to the functions performed by the comptroller in connection with applications and agreements under the Texas Economic Development Act.

To Committee on Finance.

SB 1591 by Ogden

Relating to the length of time certain property acquired by a charitable organization to provide low-income housing may be exempted from ad valorem taxation.

To Committee on Finance.

SB 1592 by Fraser

Relating to assignment of security interests in certain collateral.

To Committee on Business and Commerce.

SB 1593 by Seliger

Relating to agreements for limitations on appraised value under the Texas Economic Development Act.

To Committee on Economic Development.

SB 1594 by Seliger

Relating to suspension of a driver's license for failure to pay a civil penalty imposed by the Texas Ethics Commission; providing penalties.

To Committee on State Affairs.

SB 1595 by Seliger

Relating to direct payment by a health or automobile insurer of physicians and health care providers.

To Committee on State Affairs.

SB 1596 by Watson

Relating to a title insurance company affidavit as a release of lien.

To Committee on Business and Commerce.

SB 1597 by Watson

Relating to the analysis of greenhouse gas emissions associated with a metropolitan planning organization's long-range plan.

To Committee on Natural Resources.

SB 1598 by Watson

Relating to authorizing a power of attorney for a caregiver of a child.

To Committee on Jurisprudence.

SB 1599 by Watson

Relating to the disclosure of criminal history record information to the Court Reporters Certification Board.

To Committee on Jurisprudence.

SB 1600 by Watson

Relating to the creation of a database to track specialized technology research projects conducted by public universities, public university research facilities, and other state institutions.

To Committee on Higher Education.

SB 1601 by Watson

Relating to sanctions for public schools designated academically unacceptable.

To Committee on Education.

SB 1602 by Shapleigh

Relating to creating a microloan guarantee program using funds appropriated to the Texas Enterprise Fund.

To Committee on Economic Development.

SB 1603 by Shapleigh

Relating to requiring financial disclosure concerning reports prepared by public institutions of higher education for other entities.

To Committee on Higher Education.

SB 1604 by Shapleigh

Relating to voting system requirements.

To Committee on State Affairs.

SB 1605 by Shapleigh

Relating to the use of federal estate tax provisions in determining the application of the Texas estate tax to certain transfers of property and to the allocation of Texas estate tax revenue.

To Committee on Finance.

SB 1606 by Eltife

Relating to the regulation of industrialized housing and buildings.

To Committee on Education.

SB 1607 by West

Relating to the issuance of a search warrant for a blood specimen from certain persons arrested for certain intoxication offenses.

To Committee on Criminal Justice.

SB 1608 by West

Relating to the punishment for certain conduct constituting the offense of official oppression and to the statute of limitation on prosecution of that conduct.

To Committee on Criminal Justice.

SB 1609 by Hegar

Relating to the control of access to state highways by the Texas Department of Transportation.

To Committee on Transportation and Homeland Security.

SB 1610 by Hegar

Relating to liability of vehicle lessees for unpaid tolls.

To Committee on Transportation and Homeland Security.

SB 1611 by Davis

Relating to the cancellation of a health benefit plan on the basis of misrepresentation or a preexisting condition; providing penalties.

To Committee on State Affairs.

SB 1612 by Lucio

Relating to the provision of information by health and human services agencies to assist children diagnosed with velocardiofacial syndrome.

To Committee on Health and Human Services.

SB 1613 by Lucio

Relating to establishing an Early Childhood Behavioral Consultation Grant Program.

To Committee on Health and Human Services.

SB 1614 by Wentworth

Relating to the requirement that certain orders closing, abandoning, or vacating a county road be filed and indexed in the deed records of the county where the road is located.

To Committee on Transportation and Homeland Security.

SB 1615 by Wentworth

Relating to the authorization of airport authorities and the issuance of bonds and the exercise of eminent domain by the authorities.

To Committee on Transportation and Homeland Security.

SB 1616 by Wentworth

Relating to the fees for certain license plates.

To Committee on Transportation and Homeland Security.

SB 1617 by Wentworth

Relating to the titling and registration of certain motor vehicles.

To Committee on Transportation and Homeland Security.

SB 1618 by Wentworth

Relating to the election of the governing body of certain municipalities.
To Committee on State Affairs.

SB 1619 by Wentworth

Relating to the applicability of certain municipal home-rule charter provisions on actions relating to the issuance of public securities by a home-rule municipality.
To Committee on Intergovernmental Relations.

SB 1620 by Wentworth

Relating to the regulation of property tax lenders.
To Committee on Business and Commerce.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 442 by Nelson, In memory of Mike Rambo.

Congratulatory Resolutions

SCR 50 by Hinojosa, Recognizing Arturo E. Guerra, Jr., for his contributions to the justice system in Texas.

SR 443 by Uresti, Recognizing James E. Love for his contributions to the field of education.

SR 444 by Uresti, Recognizing Clarence A. Johnson for his contributions to the field of education.

Official Designation Resolutions

SR 324 by Ellis, Recognizing March 17, 2009, as Teach For America Day at the Capitol.

HCR 87 (Jackson), Declaring March 10, 2009, Brazoria County Day at the State Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 6:45 p.m. adjourned, in memory of John Andrew Collins of The Woodlands and Matthew Virgel of Greenville, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

March 17, 2009

ECONOMIC DEVELOPMENT — **SB 576, SB 741**

HEALTH AND HUMAN SERVICES — **CSSB 87, CSSB 277, CSSB 345, CSSB 346, CSSB 476, CSSB 479, CSSB 531, CSSB 584**

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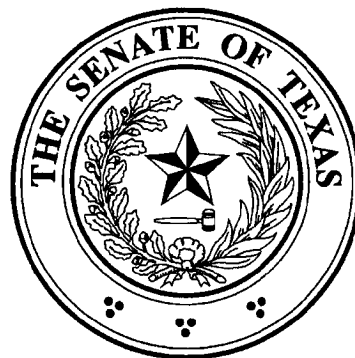
RESOLUTIONS ENROLLED

March 16, 2009

**SR 315, SR 417, SR 418, SR 419, SR 420, SR 421, SR 422, SR 423, SR 424,
SR 425, SR 426, SR 427, SR 428, SR 429, SR 430, SR 431, SR 432, SR 433,
SR 434, SR 435, SR 436, SR 437, SR 439, SR 440, SR 441**

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TWENTY-SECOND DAY
(TUESDAY, MARCH 17, 2009)

ADDENDUM
(Senate Bill 362)

EIGHTY-FIRST LEGISLATURE

REGULAR SESSION

existing laws haven't been enforced with the rigor—or, at least, the money—that we've all been led to believe. I suppose this debate has provided a service if all it's done is help establish once and for all that the Attorney General has not, in fact, spent about a million and a half of a grant battling voter impersonation. I know if there's anything we all share in this Chamber, it's a hope that we'll get double-checked, typo-free data about what cases are being investigated, what's being spent on them, and where they're occurring—even if it means fewer boisterous political proclamations about epidemics. So, let's be clear about the record: According to the witnesses, voter impersonation hasn't had any impact on any election, at any level, at any time, in any part of this big state. But none of that matters today. Today isn't about proof. It's not about the law. Today is about politics. We can, and we will, shoot at this thing until we put holes in the holes. But that doesn't change the numbers in this room. And it really doesn't change that one potent question on every political poll that gets waved around like a DNA test in a murder trial: Should people have to show photo identification before they vote? Well, let's take that head-on. It's a very simple question. And surely a simple question would have an easy and simple answer, right? Well, every one of you who's tried to fix schools, fix health care, fix property taxes, fix tuition, or fix traffic knows that just isn't so. And no amount of hoping or guessing is going to turn this bill into an adequate answer to this question. I wish this bill did what some say it does. We all do. Every single one of us on this floor wishes we could end all voter fraud and maintain full access to voting without costing the state or the counties a single dime. But if that bill exists, Members, this one sure isn't it. This one isn't it. So, let's talk for a minute about what we'd be working on if we were actually serious about this. Just for fun, let's think about solutions that aren't partisan gut-checks but actually go after the cheaters without harming legitimate, conscientious voters.

- We could, and we should, increase penalties on every criminal on every side who tries to influence the outcomes of our elections.

- We could seal shut whatever loopholes people have found to get documents they need to register falsely.

- We could empower election judges to crack down on people they know are cheating without harming those who aren't.

- We could follow the lead of some counties and do a better job of keeping our voter rolls clean.

- We could develop bold, innovative strategies that expanded registration even while imposing new voting restrictions.

- We could even have a serious, bipartisan effort to figure out how the state—which currently bears the full burden of providing voter ID in the form of a voter registration certificate—can add photo identification to its responsibilities, and how it can pay for it as cheaply as possible.

I favor all of those things. I'd imagine that just about all of you in this room do. We want to stop fraud wherever it exists. We all believe in the sanctity of the voting booth. So, how is it possible that voter ID is not just divisive, but wrenching? Because, in the end, I really don't think it's about the policy of providing identification before voting. This has risen to the top of everything—over property tax relief, over the economic crisis, over health care, over education reform, over tuition

Tuesday, March 17, 2009

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and university funding—because it's not like those things. Those are policy questions. This is a political bill being considered in a political place. And there's no clearer demonstration of how obviously political, or maybe politically obvious, this bill is than the fiscal note. Last week, the folks flew in from other states to talk about their voter ID programs, and they couldn't stop talking about what a great job they did educating people about what the law meant. They didn't just brag about spending money; they used it in court to justify their actions. But last week, we were told we didn't need any money. And then yesterday, we're told there's now a \$2 million rider for the broad label of "voter education." Well, I suppose that's some recognition of this bill's failings. But it also highlights those failings. It demonstrates the expediency with which this is pursued—no fiscal note, but it now costs \$2 million? And it reaffirms the lack of data. Why not \$1 million? Why not \$5 million? What does a real, appropriate effort cost? And, of course, it also shows the hidden cost if we're wrong. People won't be educated on this new obligation. And, of course, that's just the Secretary of State's office. What about DPS? DPS told us last session that by giving a free photo identification card to anyone who claims they want it for voting, they would lose \$671,000 a year, more than \$1.3 million per budget, and more than \$4 million every six years out of our highway fund. The methodology's in that bill and everything:

- More than a half-million people have these ID cards;
- At least half of those would use this voting exemption to avoid having to pay for them;
- Those folks pay an average of \$15 per card;
- And you have a fiscal impact of negative \$4 million through 2012.

Folks, look it up—House Bill 218, 80th Session. It's really quite convincing. But this year, the fiscal note informs us that while "there could be a revenue loss" due to the voting exemption, "it is unknown how many people would make the request, and therefore unknown the amount of revenue loss that could occur." Members, that is not an answer. In fact, it speaks to the other problems—we don't know how many should or will need the ID. And, of course, as has been pointed out, nothing was said about the cost of submitting this for preclearance under the Voting Rights Act. This ignorance of basic facts is particularly troubling given Texas has a special burden on voting rights issues. The state earned it with a terrible legacy of intimidation, suppression, and outright violence that hovers darkly over our history. Now no one, not one of you in this Chamber, has any desire to go back to those terrible times. I know you love Texas and its people too much to even consider it. But I wonder if you've really studied this bill and made sure that it won't turn us back toward the past. I keep looking and asking and hoping for any data that proves this bill won't harm the very voters who once were explicitly targeted by laws and thugs, those treated so shamefully in a past that's far more recent than the transgressions inside Box 13. No one, it seems, knows just what this bill could mean to people who are poor enough, old enough, or just plain disconnected enough that they haven't needed to get a driver's license. No one tells us how many Texans don't have a photo ID, what those millions of people may look like, or whether they'll be able to meet this bill's requirements. And no one has shown a single study or can say for sure just how common it is to have all of these shards of paper that we in this Chamber seem to take

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for granted. No one, frankly, has demonstrated a level of thought and care that gives me any confidence that this bill stands a chance of holding up outside these partisan confines and partisan rules. And that should be troubling to all of us. Because if I'm wrong, and if the will of this Chamber is somehow upheld, then this bill will have consequences. And, believe it or not, those consequences will have nothing whatsoever to do with politics, games, or power. The consequences will play out on decent, hard-working, patriotic citizens who just want to vote but can't find time for yet more hurdles and burdens, let alone those imposed on them by their own government. We all talk about the sanctity of the voting booth. Well, it isn't the registration card, the judge, the rulebook, or even the ballot itself that makes it sacred. It's the person. It's you and me. It's our constituents. In the end, this bill targets far too many of us by declaring a crisis that doesn't exist and adding new burdens that for some will be expensive and difficult. This bill makes it harder for honest people to vote. It's wrong, no matter what happens today. Thank you, Mr. President.

Senator Van de Putte: Voting is a fundamental right, the right to choose our leaders and to choose the direction of our state and our nation, and I would hope before we place any additional burden on Texans to exercise that right that we would have some proof that the problem of voter impersonation actually exists. We know that this problem does not exist in Texas, but some of my colleagues are determined to proceed with this misguided effort that will have the effect of disenfranchising many Texans. I don't think my Republican colleagues really want this fight, or want to disenfranchise voters in our communities, but it's the effect of a law, and not intentions, that carry the weight of discrimination. Make no mistake, voter ID laws are part of a national partisan agenda designed to suppress voters—women, the elderly, minorities, and college students who tend to vote more Democratic. In Texas, however, the history of vote suppression began long before 2009, and it didn't end when the poll tax was abolished or when required literacy tests were discontinued by law. In November 1964 letters were sent to residents in the Rio Grande Valley in English and Spanish warning them to stay at home because if they went to the polls they "could get arrested for interfering with the election judge." That same year, the *Houston Post* reported on election day that handbills had been distributed in Black and Hispanic neighborhoods telling voters that police would be stationed at polling places to arrest voters who had outstanding traffic tickets, parking tickets, or owed child support payments. In 1982, when Karl Rove was running Bill Clements' campaign, Secretary of State David Dean sent local election officials a "Felons List" of voters to be purged from voter rolls. But a federal court forced him to drop the effort when the list was found to include eligible voters, including one State Representative candidate. On election day in Dallas that same year, 33 African American precincts ran out of ballots as voters waited up to four and a half hours in the rain to vote. That same year in Dallas, large black and red signs posted in those precincts by five Republican state judges that read: Do not remove this sign by order of the Sheriff of Dallas County. You can be imprisoned for, and then listed six "voting fraud" offenses. These are just a few examples of voter suppression tactics designed to scare people away from voting in areas with heavy Democratic turnout. These same suppression tactics used in Dallas in 1982 are sadly still being used today. In 2005-2006, Attorney General Abbott launched a wide-reaching voter fraud campaign that included training

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materials with images of African Americans. He netted very few prosecutions, and none that would be solved by this voter ID bill. Instead, the vast majority of those prosecuted were older Hispanics and African Americans accused of hyper-technical violations of a new mail ballot law. Sadly, a vote suppression agenda still exists in 2009, and we must put this voter ID bill in the context of that history as we defend all Texans' right to vote. We may not win the battle in the Senate, that was predetermined the day we set this issue and no other pressing challenge as a "special order." I hope that this voter ID bill as written will never become law.

Senator Gallegos: Members, two years ago I came back to Austin against my doctor's orders to stand together with my colleagues to block the passage of voter ID. And on the last day when we heard the bill and Lieutenant Governor told me that the bill would not be brought up, I told you that I would fight this bad piece of legislation at any cost. And I told you that I'd be back if this bill came up again, and, well, here I am. It's a shame, Members, that it has come to this day. And it's a sad day in Texas history when we are wasting our taxpayers' time and money on a non-issue. Texas is first in the country for uninsured people, home foreclosures are skyrocketing, and thousands of young Texans and their families are trying to figure out how to pay for college education. People are still living out of trailers in my district and several of your districts since Hurricane Ike. And, Members, you know, Texans have some real problems to deal with, but voter ID legislation does not solve any of them. Let me read to you what was an editorial, this Sunday's *Chronicle*, and this coming from the *Houston Chronicle*, not me. Texas currently must show a voter registration card or other ID at the polls. This measure would add a photo ID or other alternatives. Democrats call requirements a tactic to intimidate the elderly, the disabled, the poor, and minorities who are less likely to vote Democratic into staying away from the polls, thereby shaving off a few points from the total vote. The Republicans call it guarding against voter fraud and impersonation. But on a larger scale, it seems to boil down to an illustration that Republicans in Texas and throughout the United States are fearful for their future political viability and are desperately trying to regain a power and an identity that has been severely eroded as of late. If that's the case, Members, and there are better, more constructive ways to begin in recouping lost ground than throwing their weight around, especially on the issue with as little merit as this one. Chandler Davidson, a Rice sociology professor and an expert on minority voting rights, told the *Chronicle* that the only aspect of voter fraud that a photo ID addresses is voter impersonation. The Republicans are offering a solution for a problem that does not exist, he said. And there is no credible evidence to show that there is a problem in Texas or elsewhere, end quote. Colleagues like my colleague Leticia Van de Putte said that General Greg Abbott spent \$1.4 million in a crusade against an epidemic of voter fraud that has yet to see anyone convicted of any voter fraud, \$1.4 million. Wouldn't Texans like to see this money and, used more wisely, or at least one conviction come out of this? At least one conviction, Senator Fraser. Now that we are voting on a passage of a bill that no one has seen a fiscal note, until we've seen \$2 million that all of a sudden come in, which is sure to cost hundreds of thousands, if not millions, but really, who knows? Who knows? I mean, when you mandate the voters of this state to have a photo ID, I mean, somebody's going to have to pay, somebody's going to have to pay something. And if you mandate Texans to go get a

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photo ID, then what is the state's responsibility? That's a big question, Members. If you're going to mandate for a Texas voter to get a photo ID, then the State of Texas is going to be responsible for that person on how to get an ID, whether it's free, whether they have to go to a DPS center, and, however it is. Somebody's going to have to pay on both sides. On the voter side, I call it a poll tax. You know, Members, I think it's time to stop wasting Texans' money. The right to vote is the most cherished right that a citizen could have. And in our nation's history, the right has been denied to many. Just last week, we heard of Leticia's story that there is, this was not an uncommon practice. The fight to open the doors of voting booth, it was a long struggle, and I thought we were past this. Members, let me, you know, some of the fears that I've heard about voter impersonation and somebody going to the polls and saying who they're not, and trying to impersonate somebody, I mean, we've got illegal immigration coming from Canada, from Europe, from Asia, and from Latin America. You know, I would, you know, let me walk you through of some of the fears that I've heard on the other side. You know, you got somebody, let's say, for example, from Mexico, coming across the border, it's going to take him or her, oh, at least, you know, maybe two weeks to get across. And here she's got to go through the brush, through the mesquite, eating Spam and sardines, and crackers, water, whatever, you know, whatever they can drink. And in going through that for at least a month or two months to get to Houston or Dallas or San Antonio, after two months, I mean, blood, sweat, going through that, fields and all that, here's what the fears that I'm hearing on the other side, you think that that person is going to wait for the first vote, first election, and go to the polls and try to vote and try to impersonate a voter. I don't think so. I mean, just going through all of that blood, sweat, and tears, just to go stand in line and try to impersonate a voter. You know, when I first got elected to the House in '91, you know, I went to the floor. The only ID I had was my driver's license, and when I got to the door, they stopped me and asked me, well, where are you going? And I said, well, I'm going to my seat there in the House of Representatives, my seat's inside. Well, they made me wait. They made me wait until, that I said, until they confirmed that I, you know, who I was. And then, finally, with my family with me, they let me go in. And I, you know, I said, well, it's 150 Members, I'm new. Didn't think anything about it, and just went to my seat. Well, four years later, I got elected to the Senate. And I, you know, here I am with my family coming to the Senate door. The only ID I had on me was my driver's license. I had to wait. They said, where are you going? I'm going to my seat on the Senate floor, that I got elected. You know, and they said, well, wait a couple of minutes. So, I had to wait for them to confirm that I said, who I said I was. You know, as far as ID, that the picture on my driver's license was the picture of the ID that they had in me in the back. So, you know, if they're going to stop me at the door after I got elected in the House and I got elected in the Senate, and they're asking me who I am, if I stand on who I am, then they got to confirm me here, right outside these doors. Then, how do you think those people are going to feel out there? When they know they're U.S. citizens and they're going to go to the voting booth and the election judge is going to tell them, well, we need, you know, this ID, this ID, and this ID. Well, obviously, when you're going to challenge somebody and tell them they are not who they say they are, and they know that they're a U.S. citizen, you know, you might get some violence. I don't know. When

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you challenge me, I'm going to challenge you, you know, if I know that I'm a U.S. citizen. And then, I mean, how they going to react. You know, Senator Fraser, the only amendment that you left off was back in the Jim Crow days, and if you're going to have, if you're going to do voter suppression, do it right. You know, put German shepherds and a fire hose there, and if I go, if somebody goes there and they're impersonating a voter, well, then, throw the dogs on them and, you know, throw the hose on them. You know, that's what this bill is all about. You know, I think that when you really look at it, it's voter suppression any way you call it. Like Leticia said, back to the Jim Crow, George Wallace days. It's a shame. It's a shame that we got down to this. And, you know, I hope when you vote, Members, when you vote on this bill, just think about that. Think about that. When they stopped me here at the door, not only in the House but in the Senate. Thank you.

Senator Hegar: Thank you, Mr. President. Members, I just wanted to make a couple of points because I've heard several of the statements earlier today, and I know when we had the very long hearing the other night, we had a lot of numbers being thrown out about the amount of expenditures from the Attorney General's office, the number of convictions, the number of guilty pleas, because we've talked about how difficult it is to prosecute cases of voter fraud. We all talked about how difficult it was, witnesses, all the witnesses were consistent on that point, and I just wanted to make sure everybody was clarified that the actual number of expenditure wasn't the 1.4 million, it was actually 697,000, and that's for 30 individuals, or 30 indictments. Of those 30 indictments, 23 have either been a guilty plea or a conviction. One of those convictions, as I mentioned the other night, and I forget at what point in the night I mentioned it, was a constituent of mine from Port Lavaca where actually the outcome of the election was changed because of the fraud that went on. And so, I wanted to make sure we all were aware of those numbers and make sure that we heard all those, because I would think it's important, the record was set straight the other night, and I think it's important that we make sure it's set straight as well as today. I also wanted to mention that sometimes, try being a Member in my shoes. A Member who, Dean, you entered the Senate, the House many years ago, you looked a little bit younger, maybe had a little full hair like I do today. And I tell you, when I go to the Senate Chambers, there's been times that Rick has had to correct people, said, no, he's actually a Senator, he does get to walk onto the Senate floor. The other day I went to the House and I got stopped because the guy said, wait, who are you? You're going onto the House floor. You don't have permission to go? Well, I'll get out my ID and I'll show you, or you just take my word, I'm Senator Glenn Hegar. So, sometimes, the youthful look can have those problems as well. Also, Dean, I'll let you know, I didn't vote for President Jimmy Carter. Actually, I was too young. I wasn't able to vote in that election. So, I just wanted to make sure. I didn't know if anybody else would tell you who voted back then, but I didn't. I didn't have the opportunity. So, my point is just making sure the record's straight. So, with that, thank you all, Members. I just think it's important that we know the exactual [sic] number of convictions that have occurred. There has been 23, and one of them was a constituent of mine who actually did change the outcome of that election. Thank you.

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Senator Shapleigh: Thank you, Mr. President. Members, I want to share with you the story of David Iglesias, the former Republican U.S. Attorney for New Mexico, because I think his story and his firing give context and reveal to us here today the real story behind what you, Senator Fraser, call voter ID. Iglesias was appointed by George Bush in August of 2001 and became embroiled in one of the largest scandals ever to hit the United States Department of Justice. Soon after his appointment, Iglesias came under intense pressure from Pete Domenici, Heather Wilson, the Department of Justice, and White House to take action on alleged voter fraud in New Mexico. In 2004, Patrick Rogers, a Republican operative in New Mexico, sent an E-mail to Iglesias that said this, quote, I believe the voter ID issue should be used at all levels, federal, state legislative races. You are not going to find a better wedge issue. Soon thereafter, based on E-mails, calls, and letters from DOJ, Republican officeholders and Republican Party, David Iglesias did the right thing. He set up a task force in 2004 to investigate the scope of voter fraud in New Mexico. He included local, state, and federal law enforcement and both Democratic and Republican officials. After reviewing over 100 cases, he and his task force concluded there were no prosecutable cases of voter fraud and refused to bring charges where there was no evidence to support it. In a PBS interview, David Iglesias said he was not willing to engage in unlawful activities, those were his words, to prosecute cases that just weren't there. Let me emphasize this point, David Iglesias was a loyal Bush appointee, a Republican who had previously run for statewide office and could not find evidence of voter fraud in the State of New Mexico. He let DOJ and the White House know that he would not prosecute these cases because they did not exist, and for that, David Iglesias was fired. His determination to stick to the law and his values got him fired. Later, when asked how he would characterize using United States Attorneys to benefit a particular political party at the polls, Iglesias said this: It's reprehensible. It's unethical. It's unlawful. It very well may be criminal. And I know it's a marked departure from prior administrations, both Republican and Democratic, who understood that U.S. Attorneys, as chief federal law enforcement officials, have to stay out of politics. When asked why he thought he was fired, Iglesias said this, for illicit, partisan political reasons, specifically, not coming up with voter fraud cases, number 1, and number 2, not rushing forward indictments involving prominent Democrats during the election cycle. When asked about the motivations of those pushing voter fraud indictments, he said that their motivations, quote, were clearly partisan. There appears to be a growing body of evidence that suggests there's voter suppression going on throughout the country. The investigation into the firing of David Iglesias and eight other U.S. Attorneys continues to this day. Just two weeks ago, Karl Rove, who is actively involved in these U.S. Attorney cases, agreed to testify before Congress under oath regarding his role. And, coincidentally, the first witness for the proposition in Texas that we need a voter ID bill was Hans von Spakovsky, who himself was part of that DOJ. Fast forward to last session, when House Bill 218, the predecessor to this bill, was passed in the House. In a column he wrote at that time from the *Quorum Report*, Royal Masset, who for 15 years was the political director of the Republican Party of Texas, stated in writing this, voter ID is a direct descendant of poll taxes and of allowing only white male property owners to vote. In its effect, it is racist, barbaric, antidemocratic, and contrary to everything that

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made America great. Mr. Masset said that requiring photo IDs could cause enough of a drop-off in legitimate Democratic voting to add 3 to 5 percent to the Republican vote. And, really, that's what this bill is all about. In 2005 the Census announced that Texas has joined Hawaii, New Mexico, and California as the only majority-minority states. By 2035, Texas' state demographer predicts that Hispanics will make up the majority ethnic group in Texas. In my district, this bill is about Maria Lopez, 70 years of age, who cleans offices. She's never had a driver's license, never needed one. And when she is asked for one, or a birth certificate, or a pilot's license, or any of the documents listed in Senate Bill 362, she won't have them, because of the time and expense to go get one are too much for a lady who works 60 hours a week at minimum wage. So, she won't vote. And keeping her home is what this bill is about. As Mr. Masset stated yesterday in *The Dallas Morning News*, Hispanics should take this personally because it is aimed at them. This bill is about Republicans scaring off just enough elderly, disabled, Blacks, and Hispanics to stay in power four more years, plain and simple. Thank you, Mr. President.

Senator Williams: Thank you, Mr. President. Members, today I stand in support of Senate Bill 362. In the course of this debate, there have been many concerns that have been raised about the voter impersonation and whether or not that really occurs. Many of you, in fact most of the folks who have spoken so far today would argue that voter impersonation does not occur. I disagree. I have here in my hand four newspaper articles, two from *The Monitor* in Progreso about a story in Progreso and another from the *Rio Grande Guardian*. These four newspaper articles that are dated March 9th, March 14th for *The Monitor* and March 10th and March 16th for the *Rio Grande Guardian*, reference voting irregularities in the Progreso Independent School District with a school board election. This prompted me to make an open records request of the Attorney General, and I have as a result of that open records request signed, notarized affidavits demonstrating that voter impersonation does in fact occur in Texas. Following the May 4th, 2008 election conducted in the Progreso Independent School District, several citizens and noncitizens attested that various individuals had perpetrated numerous forms of voter fraud including voter impersonation. I'd now like to read some excerpts from these affidavits, these sworn affidavits, and I'm going to introduce them into the record. The first is from Mr. Torres and in his affidavit he attests to the following:

On Monday, April the 28th, 2008, I was brought to the Progreso Independent School District election site by Lorenzo Castillo, who handed me a voter registration card to participate in the elections. He stated that they would pay me to go vote for Juan Ramos, Michael Vela, and a David Hernandez. I proceeded to go in and cast the vote with the registration card that belonged to Alfredo Medrano. After I went in to vote, I was paid \$10 by Jose Guadalupe Vela and at this time, Mr. Lorenzo Castillo took the card from my possession.

We also have an affidavit from Abigail Infante and Maricela Infante who were both poll watchers. In their affidavits, these women both attest that on April 28th around 2:00 p.m. a voter by the name of Jimmy Vasquez went in to vote with a voter registration card in the name of Juan Pablo Maldonado. Priscilla, the clerk, told him, you're not Juan Pablo Maldonado, you're Jimmy Vasquez. Then he answered, yes, I

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am. He was asked to present ID and he turned around and walked out. Members, but for the fact that this poll worker recognized Mr. Vasquez and realized that he was not who he claimed to be, he would've been allowed to vote and his vote would've counted in this election. There's another affidavit by Jessica Rangel, and in her affidavit she attests that Mr. Guadalupe Vela asked her to recruit a friend to vote and that her friend would be provided with a voter registration card. And Jesus Vasquez in his affidavit attests that he did not exercise his right to vote in the Progreso School Board elections on May 10th, and that someone used his identity to vote in the election and appeared in person at the early voting site. And finally, an affidavit from Andrea Peña and in her affidavit, she attests:

Mr. Oscar Vela forced me to vote with another person's voter registration card, when I very clearly told him I could not vote because I am not a citizen of the United States. He said it wasn't a problem. All I had to do was go to the park in Progreso, and he would give me a voting card. I told, he told me that if I helped him, he would fix my legal problems, referring to how he'd help me so that they wouldn't take away my children. When I arrived at the park, he gave me the card of Mrs. Maria de los Angeles Martinez and proceeded to tell me that someone inside there was waiting to help me and that I shouldn't forget the names he had given me. When I entered the voting building, a young man who was one of those acting judges entered the booth with me and voted for me.

Members, these affidavits demonstrate that in-person voting fraud is very real. It happens. It's happened just a few weeks ago, or a few months ago in the Progreso Independent School District election. These affidavits are also supported by the testimony of Mr. Ed Johnson, who's an employee of the Harris County Tax Assessor-Collector and a voter registrar, Leo Vasquez. If you will recall, last week Mr. Johnson testified that a variety of voter fraud had occurred in one of our state's most populous counties, including the casting of vote by people who were not alive. Not only does voter fraud, in-person voter fraud occur, but Texas has a legitimate interest in deterring and detecting this voter fraud. As Justice Stevens remarked in the majority opinion in *Crawford v. Marion County*, there is no question about the legitimacy of the importance of our state's interest in counting only the votes of eligible voters. The interest in orderly administration and accurate recordkeeping provide a significant justification for carefully identifying all voters participating in the election process, Members, and ladies and gentlemen who are with us here today, that we as elected officials have a duty to protect the integrity and legitimacy of representative government. As the report of the Commission on Federal Election Reform that was chaired by former President Jimmy Carter and former Secretary of State James Baker observed, Americans are losing confidence in the fairness of elections. And while we do not face a crisis today, we need to address the problem of our electoral system. The electoral system cannot inspire public confidence if no safeguards

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exist to deter or detect fraud or to confirm the identity of voters. We must have an electoral system that inspires confidence. We must prevent fraud and we must prevent the disenfranchisement of legitimate votes. Members, I ask you to join me in voting "Aye" for Senate Bill 362. Mr. President, I would also move that my remarks be reduced to writing and placed in the record. And I would like to include, as a part of my remarks, these sworn affidavits that I made reference to in my remarks.

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Exhibit #1

May 12, 2008

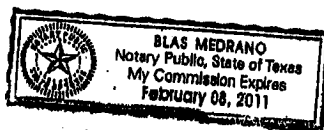
I, Simon Torres, SS# _____, P.O. Box 704, Progreso, Texas, and am over the age of eighteen and am of sound mind and state the following:

I participated in the Progreso School ISD School Board Election held on May 10, 2008. I state that on Monday, April 28, 2008, I was brought to the Progreso ISD School election site by Lorenzo Castillo who handed me a voters registration card to participate in the elections. He stated they would pay for me to go vote and vote for Juan Ramos, Michael Vela and David Hernandez. I proceeded to go in and cast a vote with the registration card that belonged to Alfredo Medrano. After, I went in to vote I was paid \$10.00 by Jose Guadalupe Vela and at this time Mr. Lorenzo Castillo took the card from my possession.

Simon Torres
Simon Torres

State of Texas §
County of Hidalgo §

Before me, a notary public, on this day personally appeared Simon Torres, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statement therein contained are true and correct.



[Signature]
Notary Public Signature

Exhibit # 2

I, Maricela Infante, date of birth 10/04/62, reside in Progreso, Texas and am of sound mind and over the age of 18 and state the following:

I was appointed as a poll watcher for the Progreso ISD School Board Election by the Candidate Eleazar Perez, Jr.

- ❖ On April 28, 08 on or about 8:30 am, Mrs. Maria Isabel Vela was allowed to enter and vote without providing an ID or a voter registration Card..
- ❖ On April 28, 2008 on or about 10:00 a.m. Mr. Guadalupe Vela was allowed to enter and vote without providing an ID or a voter registration card.
- ❖ On April 28, on or about 2:00 pm a voter by the name of Jimmy Vasquez walked in to vote, but with a voter registration card with the name of Juan Pablo Maldonado. Priscilla, the clerk, told him he was not Juan Pablo Maldonado. When the voter was asked for an ID, he turned around and walked out. Mr. Juvencio Rocha, the presiding judge told Priscila, the clerk, to confiscate the voters registration card. The election clerk kept the voter registration card.
- ❖ Various people were allowed to vote with an expired voter registration card and were not asked to provide an ID.
- ❖ As a poll watcher I continued to observe the election judge and other election staff stand close by the voting machines while the voters voted. They were being intimidated to vote their way.

On this 12th day of May, personally appeared Maricela Infante and states that the above is true and correct.



Maricela Infante

I, Abigail Infante, date of birth 01/03/86, reside in Progreso, Texas and am of sound mind and over the age of 18 and state the following:

I was appointed as a poll watcher for the Progreso ISD School Board Election by the Candidate Eleazar Perez, Jr. held on May 10, 2008.

- ❖ On April 28, 08 around 8:30 am, Maria Isabel Vela came in to vote without showing an ID or voter registration card.
- ❖ On April 28, 2008 around 10:00 am, Guadalupe Vela voted without showing an ID or voter registration card
- ❖ On April 28, 2008 around 2:00 pm, a voter by the name of Jimmy Vasquez went in to vote and when he showed his voter registration card, Priscilla told him "Your not Juan Pablo Maldonado, your Jimmy Vasquez" And then Jimmy answered "Yes, I am" then Jerry Jasso Jr. asked him for an ID and Jimmy walked out. Then Judge Juvencio Rocha told the clerks to confiscate the voter registration card.
- ❖ On May 5, 08 the clerks were asking some voters to show both and ID and voter registration cards.
- ❖ As a poll watcher I continued to observe the election judge and other election staff stand close by the voting machines while the voters voted. They were being intimidated to vote their way.

On this 12 day of May, personally appeared Abigail Infante and states that the above is true and correct.


Abigail Infante

Exhibit #3

May 15, 2008

I, Jessica Rangel, (SS# _____), PO Box 11, Progreso Texas 78579 and am over the age of eighteen and am of sound mind and state the following:

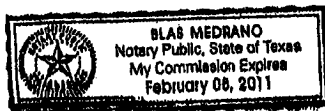
Mr. Guadalupe Vela offered me money in exchange for my vote; I was to put in my vote for JJ Ramos, David Hernandez and Michael Vela. Also numerous times I had been offered to have traffic tickets removed in order for me to help them. They also asked me to recruit a friend, which name I prefer not to mention, and they would provide a voting registration for them to use. They stated that they had people that worked that elections on there side and that they would help my friend vote.

I guess that thought that I would help them since I had help them in past elections by recruiting people and giving them money for there vote.


Jessica Rangel

State of Texas §
County of Hidalgo §

Before me, a notary public, on this day personally appeared Jessica Rangel, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statement therein contained are true and correct.



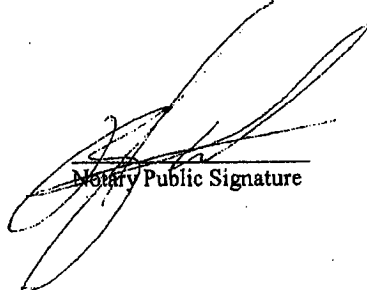
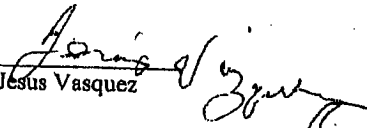

Notary Public Signature

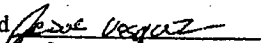
Exhibit #4

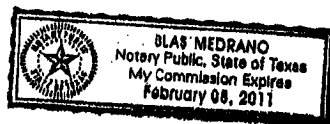
May 12, 2008

I, Jesus Vasquez (certificate number 212570), state that I am registered in Progreso, Pct 40 and state that I did not exercise my right to vote in the Progreso School Board Elections held on May 10, 2008. I understand someone used my identity to vote in this election and appeared in person at the Progreso Early Voting site.


Jesus Vasquez

State of Texas
County of Hidalgo

Before me, a notary public, on this day personally appeared  known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statement therein contained are true and correct.



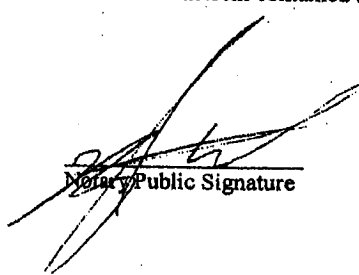

Notary Public Signature

Exhibit #5

15 de Mayo del 2008

Yo, ~~Andrea Peña~~ (SS# _____), testigo lo siguiente

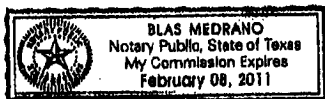
El Sr. Omar Vela, me forzo a votar con una tarjeta de votar de algien mas, cuando yo muy claramente le dije que yo no podia votar porque no soy ciudadana de los Estados Unidos. El me dijo que no habia problema, que el me diria como le ivamos a hacer. Que nandamas fuera al parque de Progreso y el me daria una tarjeta de votar (Maria De Los Angeles Martinez VUID#1053620795). Dijo que si le ayudava, me "areglaba" mis problemas legales, refiriendose a que el me ayudaria a que no me quitaran a mis hijos. Cundo yo llege al parque, el me dio la tarjeta de la señora Maria De Los Angeles Martinez, y procedio a decirme que algien alla dentro ya me estava esperando para ayudarme y que no se me olvidaran los nombres que me avia dicho (Micheal Vela, Juan Ramos, David Hernandez). Cuando entre al edificio de las votaciones, un muchacho de los que estaban de juez, se metio con migo y voto por mi. Entonces me dijo que le oprimiera al boton rojo qué decia "VOTE", oprimi el boton y me retire.

Andrea Peña
Andrea Peña

Turn Page for
Translation

State of Texas §
County of Hidalgo §

Before me, a notary public, on this the 15th of May 2008, Personally appeared ANDREA PEÑA, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statement therein contained are true and correct.



Notary Public Signature
TX_00001168
JA_005499

Exhibit #5

Ryan LaRue

From: marycogden@comcast.net
Sent: Monday, March 16, 2009 9:16 PM
To: E. LaRue; Ryan LaRue
Subject: Translation

The text in the attached document reads as follows:

I, Andrea Pena (SS# _____), testify as follows:

Mr. Oscar Vela forced me to vote with another person's voter registration card, when I very clearly told him I could not vote because I am not a citizen of the United States. He said it wasn't a problem, that he would tell me how we were going to do it. All I had to do was go to the park of Progress and he would give me a voting card. (Maria de los Angeles Martinez, VUID# 1053620795). He told me if I helped him he would "fix" my legal problems, referring to how he'd help me so that they wouldn't take away my children.

When I arrived at the park, he gave me the card of Mrs. Maria de los Angeles Martinez, and he proceeded to tell me that someone inside there was waiting to help me and that I shouldn't forget the names that he had given me (Michael Vela, Juan Ramos, David Hernandez).

When I entered the voting building, a young man who was one of those acting as judges, entered the booth with me and voted for me. Then he told me that I should press the red "VOTE" button. I pressed the button and left.

Signed: Andrea Pena

(translated by Mary C. Ogden, B.A. English & Spanish, Rice University, 1981.) *Father was in Foreign Service throughout South America.*

----- Original Message -----

From: "E. LaRue" <famlarue@earthlink.net>
To: marycogden@comcast.net
Sent: Monday, March 16, 2009 8:46:17 PM GMT -06:00 US/Canada Central
Subject: FW:

Mary,
Thank you so much!
Edell
Ryan's cell: 713.542.1381

-----Forwarded Message-----

From: Ryan LaRue
Sent: Mar 16, 2009 8:36 PM
To: famlarue@earthlink.net
Subject: FW:

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3/16/2009

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A-12

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22nd Day

Senator Shapleigh: I don't have any objection to it, but I'm hoping that we put everyone's remarks into the record so we have an accurate record of what took place on this bill here today. I'll make that motion at the appropriate time.

President: There's a motion by Senator Shapleigh to include—

Senator Shapleigh: I would make the motion that we include everybody's comments on this bill to the culmination of the bill, including all the exhibits and discussions that are had on any of the votes.

Senator Williams: Okay, in light of the motion that's coming in a few moments, I just also like to correct the record. There was a statement made earlier by Senator Gallegos that the Attorney General spent \$1.4 million investigation voter fraud and, respectfully, I would direct the body's attention to our testimony in committee, which conclusively demonstrated that that is not the case. With that, I am done with my remarks for the day. Thank you.

Senator Lucio: Thank you, Mr. President. And I will be very brief, Members. I need to, I rise only because Senator Williams brought up my district. And I did turn in, and it was noted as one of the exhibits back when we met at the Committee as a Whole. I'd like to read the letter from our District Attorney down in Hidalgo County, one of the biggest counties in the state, as Senator Williams mentioned, and it states:

To the Senate Committee-of-the-Whole, Voter Identification Legislation:

Allegations of a few cases of voter impersonation occurring in Hidalgo County during 2008 came to my attention on Thursday, March 5, 2009, by several members and staff members in the Texas Legislature. Apparently they were obtained from the Texas Secretary of State's Office, who along with the Office of the Attorney General, have been in possession of this evidence for a time.

Without discussing the details of allegations currently pending, I can tell you that I believe that if there is a problem with compliance with the law, it lies more in the quality of the administration of elections, than in law itself.

The irregularities we have seen occur mostly in non-partisan local elections of small governmental entities such as school districts, water districts, and municipalities, some of which decline to contract the administration of their elections to the County election administrators office. This has in the past led to questions.

If I were to recommend an amendment to the Texas Election Code, it would not be to increase burdens placed on honest voters attempting to cast their ballots, but instead to further professionalize the administration of elections by requiring small governmental entities to contract with their county's elections administrator, instead of administering those elections themselves.

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Further, I would require the Secretary of State, and/or the Office of Attorney General, to very quickly forward to local District or County Attorneys the irregularities of which they have credible evidence, so that we can investigate those incidents, and prosecute them when the evidence suggests a violation of the law.

Thank you very much for the opportunity to share my views.

Respectfully Yours,

/s/René Guerra

Criminal District Attorney

Hidalgo County, Texas

Members, I share this letter with you because Mr. Guerra was not able to be here last week when we had the Committee of the Whole. And it's important for you to hear from a gentleman that has served that county for two decades in these matters that we're dealing here today. So, I ask you to understand that there's not widespread voter fraud in that county, especially at a higher level. As I mentioned, in some local units of government there has been some discrepancies, but, certainly, we will be working to try to, you know, address those issues. Thank you, Mr. President.

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RENE GUERRA

March 6, 2009



To the Senate Committee-of-the-Whole, Voter Identification Legislation:

Allegations of a few cases of voter impersonation occurring in Hidalgo County during 2008 came to my attention on Thursday, March 5, 2009, by several members and staff members in the Texas Legislature. Apparently they were obtained from the Texas Secretary of State's Office, who along with the Office of the Attorney General, have been in possession of this evidence for a time.

Without discussing the details of allegations currently pending, I can tell you that I believe that if there is a problem with compliance with the law, it lies more in the quality of the administration of elections, than in law itself.

The irregularities we have seen occur mostly in non-partisan local elections of small governmental entities such as school districts, water districts, and municipalities, some of which decline to contract the administration of their elections to the County election administrators office. This has in the past led to questions.

If I were to recommend an amendment to the Texas Election Code, it would not be to increase burdens placed on honest voters attempting to cast their ballots, but instead to further professionalize the administration of elections by requiring small governmental entities to contract with their county's elections administrator, instead of administering those elections themselves.

Further, I would require the Secretary of State, and/or the Office of Attorney General, to very quickly forward to local District or County Attorneys the irregularities of which they have credible evidence, so that we can investigate those incidents, and prosecute them when the evidence suggests a violation of the law.

Thank you very much for the opportunity to share my views.

Respectfully Yours,

Rene Guerra
Criminal District Attorney
Hidalgo County, Texas

HIDALGO COUNTY COURTHOUSE - 100 N. CLOSER, ROOM 303 - EDINBURG, TEXAS 78539 - (956) 318-2300 - FAX (956) 318-2301

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Senator Ellis: Thank you, Mr. President. Members, I'll be as brief as I can be. Obviously, both sides have put together a pretty good record on this piece of this legislation, but there're a couple of points that I do think I want to make. I don't know if I made them before or not. Chairman Fraser, this is the 64th day of a 140 day legislative session. I just want to reiterate to you and all of the Members that on our opening day, obviously, the decision was made to change the rules so that this bill could come up. Now, in a unprecedented time in our history, with all of the problems, economic problems that we have in this country and around the world, the most important thing, some would have us believe, in Texas, Senator Fraser, is this voter ID bill. Now, clearly, the votes are there because you only need 16 to pass it, so I guess I don't have to give a real long speech, but I do want to point out to you that as important as it is to some, that you on the right side of the politics on this issue, because as a drumbeat in the base of your party to try to get this bill passed. For you, for your sake, I'm glad you are going to go ahead and get it out of here early, because you're certainly on the wrong side of history. And at least for the remainder of this session, maybe we'll be able to focus on issues that really matter to people. It's interesting when the witnesses came in, I didn't see some of the Titans of election opportunity from Texas. Our experts come in and served as resource witnesses. Now, based on the way some of their questions were answered, it looks like some of those people bought their tickets at the last minute to get in here, because they certainly weren't very prepared. It's interesting this bill does not cover mail balloting. It's interesting it doesn't cover it because most of the fraud that has been discussed on this floor, or allegations of fraud, have been instances where it's involved mail-in balloting. Now, if you were to guess, if you can't guess, just go ask some expert in either party. Who's more apt to benefit from mail-in balloting? Are people more educated? Are they more high income? Do they tend to be more from the Democratic Party or the Republican Party? We had a little interesting lesson in history. We heard a lot about President Jimmy Carter, Secretary of State James Baker. We didn't have a clear idea of where HAVA came from? The Help America Vote Act was passed because of the debacle in Florida, that regardless of which side any of us in this Chamber may have been on the issue, you couldn't help but be embarrassed when developing countries were saying, Jimmy Carter needs to put together an election team and monitor the elections in America, particularly in Florida. That was a comprehensive piece of legislation, Senator Fraser, you passed out the recommendations. It's a great set of recommendations, even the summaries, only about eight pages. But what has happened here, with the Help America Vote Act and with the Carter-Baker Commission, has been to do a little cherry picking. This bill is an attempt to pull out the part of that recommendation from HAVA, Help America Vote Act and the Carter-Baker Commission, that tends to benefit one party over the other and one group of people over the other. That's the reason why Texas was put under the Voting Rights Act. Hey, it's not a partisan comment when I make it. Democrats controlled this Chamber when Lyndon Johnson signed the historic Voting Rights Act. Leticia made reference to my predecessor over here on the Senate wall. When Senator, then Congresswoman, Jordan added Texas to the Voting Rights Act, it was a bilingual amendment, of all things. Didn't just put Texas in, but other states, because even President Johnson didn't want to admit that there were problems in the

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Lone Star State. He wanted to believe that in his political lifetime, the doctrine of states' rights, I guess, Texas would clean it up on its own. We didn't, and we still haven't. We ought to really take a deep breath and pause and hope when it gets over to the House side, that they exercise better judgment than us. Hey, I could read the political tea leaves. I know you're concerned that the Voting Rights Department at the Justice Department won't preclear this piece of you-know-what that's going to pass here today. So, I suspect that there'll be an attempt, I've heard the rumor mill says, you just bypass the Justice Department and go to a three-judge panel in Washington, D.C. One of your witnesses that testified, nice young man, nice young man—but interesting, all of those career professionals in the Justice Department who have been there under Democrats, as well as under Republicans, Troy, resigned because the career professional said, Georgia's voter identification suppression bill shouldn't be precleared, that's what the professional said—that gentleman that you had testifying here the other day overruled the career professionals, and they eventually quit. I mean, part of his résumé indicated he was on the Federal Elections Commission. He was. Never got approved because his history came back to haunt him. We're making a serious mistake today. More than anything else, we ought to be worried about Texas being 46 among the 50 states in the country in terms of the number of people who show up to vote, last cycle, 54.7 percent voter participation rate, voter participation rate in Texas in 2008. Part of that Carter-Baker Commission recommends a lot of commonsense approaches like election day registration. That's probably why Minnesota has a 78 percent participation rate, Wisconsin 72, Maine 71. Even New Hampshire, without election day registration, they're 71 percent, Colorado 69, Iowa 69, Michigan 68, Alaska 68. You made the comment on the floor the other day, during the Committee of the Whole meeting, that election rates had gone up in those states, those that have passed a voter identification bill. I would make the argument to you, maybe election rates went up because people were angry because that bill did pass in Georgia and Indiana. And, tell you, you might be surprised what happens this next go 'round. Last comment I want to make, there's been a lot of talk about what we do in Texas today and other states that have some version of voter identification. Just so Members will know what happens now, somebody made the comment that about 24 states have some form of photo ID. I want to make it very clear what happens in America today. This is according to the Pew Center on the States. Only three states require a photo identification: Florida, Georgia, and Indiana. Florida, the same state that was the impetus for creating the Carter-Baker Commission and the Help America Vote Act, Georgia, and Indiana. Another four request it, don't require it, but they request it: Hawaii, Louisiana, Mississippi, and South Dakota. Eighteen states require ID, photo or nonphoto ID, for all voters. Texas is one of those states, along with a number of our neighboring states, Alabama, Arkansas, Arizona, Colorado, Connecticut. The short of what I want to say is, when this bill passes out of this Chamber today—House sponsor's been here a good part of the debate today and he was here when we started the debate on this bill—hopefully, they'll take the time, look at the pause button, which we didn't do on this side, and either take this bill and clean it up, address all of those issues, like same day registration, election day registration. Hey, if you really want to do something about voter fraud, all those instances you talked about, well, do something about mail-in ballots. If you're really serious about

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impacting how to make sure people have faith in the electoral system, disenfranchising one group of people, any group of people, as opposed to another one is not the way to do it. Troy, you made the comment to me, who would I know that couldn't fit into one of these categories that you laid out. Don't have a hunting license. If you don't have a hunting license, you can have a library card. You could cast a provisional ballot. You didn't know the process on how it would be counted, so I even suggested one. Your witnesses never answered that question. The people who don't have a library card, oftentimes the people who cannot read, which is why they don't have a library card. People who don't have a utility bill oftentimes are people who don't have utilities. People who don't have a phone bill are probably people who don't have a phone. There are people. They may not come in this Chamber, they may not be people that we run into and have a conversation with everyday, Chairman Ogden, but those people exist, not just in my district, but in yours as well, and every Member on this floor. They're the folks, when you got up this morning, were catching their early bus and didn't have to have an identification card to get on that bus. They go and work the jobs that we don't have to work because we're privileged. And I'm saying, in this body, we ought to be as concerned about those people who have the least among us as we are concerned about those people who are more apt to vote for or against us. Thank you.

Senator West: Mr. President. Members, I will not be long, but you know, we have a lot of people in the gallery. And I'm glad you're here, the citizens of the State of Texas, because the reality is the history of Texas is upon this very moment, in this Chamber, on this particular day as we cast this vote. It's a very important vote. I'm glad you're here listening to the debate. The history has been well-chronicled by Senators Watson, Van de Putte, and Gallegos, and they've illuminated the tragic past, in terms of voter participation in this particular state, and also ad hoc obstacles that have been placed in the way by those in the majority in order to maintain political dominance. Members, we should not forget the history of our civil rights in this particular state and to know that the Members of this body are a good and decent people that bring different backgrounds and perspectives to bear on this issue that we address today. What is the real, what is this really all about? What is this all about? This is, will be the second bill, Members, that we will have passed out of this Chamber, the second bill. So, what is this all really about? Maintaining political dominance in this state, that's what it's all about. And let's just kind of call it what it is, maintaining political dominance. Members, this is a solution looking for a problem. My deskmate chronicled a couple of affidavits that he received from the Attorney General, but I suggest to you, that it's basically a nonexistent, significant issue in the State of Texas. Members, supporters of this legislation, this is an issue that you need to come to grips with when you begin to look at the demographic changes in the State of Texas. And let me just kind of go through those with you. Based on the latest statistical analysis, at least as of July 1st, 2007, 23.9 million Texans, all of us heard, basically, what the demographic changes will be in this particular state, and we know that this state is going to be predominantly Hispanic. Well, the fact of the matter is now, that's predominantly minority. When we begin to look in the out years, and the number of citizens that we're going to have in the State of Texas, what is it going to look like? When we begin to look at the individuals that will be in this Chamber,

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what is it going to look like? When we begin to look at the people that will be in attendance, what will Texas look like? It's going to be predominantly minority. And so, the question that I ask those of you that are gung ho on making this our second legislative initiative coming out of this body, what's the purpose behind it? You'll say again that, you know, there's a problem. There's no significant problem. It's all about political dominance. Let's call it what it is. But you got to understand also, I want you to hear my words today, Members, demographics in this state are changing and ultimately the makeup of the voting populace will change also. Those that are being suppressed by the pretext will ultimately control this body politic and the laws that future generations of Texas live under. There's that old saying, sometimes what goes around, ultimately will come around. And I hope that as future generations look at this particular issue, that they can pretty much dissect exactly what occurred on this particular day in the State Senate, and judge it for exactly what it is and, ultimately, if this bill becomes law, ultimately repeal it, if we can't get it taken care of at the Justice Department or circuit courts in D.C.

Senator Hinojosa: Thank you, Mr. President. Members, I would like to speak against the bill. First of all, I would like to address a couple of points made by Senator Williams on the affidavits out of Progreso, Rio Grande Valley. Let me first say that those affidavits are tainted for the simple reason it's a very small community and there were outside activists of Republicans who came in with the sole purpose of trying to find people who would sign affidavits that they themselves drew up. Also, these affidavits were never turned in to the District Attorney's office for prosecution. Addition to that, it was not the DA's office who received any of these complaints. Furthermore, what also happened is that the affidavits were not made by investigators or trained people. There again, they were made by a group of Republicans who live outside this small community, looking and trying to fabricate this type of evidence. And I'm somewhat disappointed that again, here we are dealing with a partisan issue, at a time when we have people losing their homes, their jobs, and they would pay their bills, we're dealing with an issue that's not going to help them have a better quality of life. I will tell you that I thought that the voters of the last election spoke loud and clear that they wanted no more issues like this to come before this body. They want us to deal with the bread and butter issues like health care, education, jobs, economic development. And here we are, again, dealing with an issue that's not going to help one cent, or one penny, all Texans to better their life. And for that reason, I'm voting against Senate Bill 362, which ought to be named the Voter Suppression Bill. Thank you.

Senator Whitmire: Thank you, Mr. President. Members, thank you, Senator Hinojosa, for pointing out that Senator Williams only mentioned allegations. And it's amazing to me that, if this is such a prevalent problem, that you have to go, to take a Senator from The Woodlands, has to, he borders Harris County with its hundreds of thousands of voters, and has to go to South Texas to try to find some allegations of voter fraud. It's, that in itself, I think, makes a case that you have to really search long and hard for instances. It's also, Senator Williams, in his allegations, pointed out the tests that I give, to not only my decisions as a public official but even in my personal life. What is the greater good? If you wanted to assume Senator Williams was correct and he found three cases in deep South Texas, what is the greater good, to address that

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in the fashion that the proponents would have, or is the greater good to not set up obstacles that we know will exist for people to vote? When I complimented the Senate last Wednesday morning after our marathon session, I mentioned the decorum, the respect for one another that had been demonstrated. Again, it's present today, but, Members, that cannot overshadow the fact that this is a bad time to be debating a really bad, bad, bad piece of legislation. Maybe the all-time worst legislation, in terms of one that does so little for so few and harm to so many. I'm also struck by the attitude of some of my colleagues: Let's just get this behind us. And, in fact, I would name this bill, Can't We Just Get Behind, Can't We Just Get This Behind Us Act of 2009. It barely beat out the title of the bill or the Hard to Vote Act of 2009. I cannot stand and let you just get it behind us because we've heard credible testimony that 3 to 4 percent of the eligible voters would not be able to cast their vote next election. But let's assume it's just 1 percent, Senator Duncan, or how about one person. Troy Fraser did an excellent job the other night of talking about how sacred the ballot box is—and we all join him in that respect—but it is so sacred that now we're about to tamper with the system that's going to disenfranchise others. I would ask the proponents just for a moment, okay, and just for a moment, assume that we're right and you're wrong. Just absorb that for a minute. And do you even want to go into the discussion, assume Tommy Williams' allegations are going to be prosecuted and punished, which I think he made the point that the system's working pretty good. But what if, what if the next election date, there's someone in one of your districts, attempts to vote, if it's one person, and that sacred process of voting is prohibited because of what we're doing today. You know, I've heard folks talk about, they would rather 10 guilty murderers go free than to execute one innocent man or woman. I was thinking about that last night. I believe whatever allegations of fraud that you can come up with cannot make the case to make major obstacles, and I think part of the problem is, some of my colleagues don't really understand how difficult it's going to be. You've not campaigned in communities that are not as organized as maybe your life. I have knocked on doors, talked to voters, they didn't know how they were going to get a ride to the polls, didn't know if they were going to feel like it, been doing this for 56 years and now, for the first time, we put a new responsibility on them. Members, we have a responsibility, if it's going to disenfranchise just one person, to fight this really bad, bad, bad bill, and I respect Senator Fraser's intent, but, Troy, we disagree on the method. What I don't understand, if you really think there's fraud and you continue to make allegations, I don't think you have proven your case. But let's just, for the sake of the conversation, you believe there's fraud, you're worried about, as you mentioned the other night, you voting and then your brother coming back 30 minutes later and voting with your card. First of all, precinct judges, election judges have the power of a district judge. They can have the person arrested at that moment. What I don't understand is why you address it with this bill instead of making it a criminal justice issue. No one in this body hesitates to address criminal acts by, one, enhancing the penalties, or creating a new offense. I just don't understand why any of your witnesses did not address it as a criminal justice issue. They didn't do it in Indiana, they didn't do it in Georgia, even our Harris County prosecutor, Rosenthal, who was so aggressive, till he was disgracefully run off. There's no, no instance of voter fraud in Harris County that has been proven up. The gentleman the other day was talking

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about mail-in ballots. The Attorney General, our own Attorney General, after spending 1.4 million and spending over a year looking at, came up with 26 cases. Eighteen of them were mail-in ballots, Senator Fraser. You haven't touched that, topside or bottom. And because you haven't addressed it as a criminal justice issue and try to enhance the penalties, I'll show you how you should have handled it. This afternoon in Administration, we're going to hear a Zaffirini bill that's going to make parking in a handicap zone twice the current penalties. We're going to double the fines if you park in a handicap zone. That's the way Senators address crime and illegal acts. They don't come up with some civil voting procedure that is going to make it difficult for people to go cast that precious vote that Senator Fraser talked about. I can only conclude, because you haven't dealt with it by enhancing the penalties or creating a new offense like we do on other illegal acts, that is pure politics. And let me suggest, Senator Fraser, it's bad politics. And I believe, I believe it's going to backfire on you. I think this is a political bill for years to come. It will backfire on the proponents. And let me just go ahead and put this on the table, I think it's largely being done so some communities can think they're getting after undocumented citizens. It's not mentioned, in none of the debate conversations, but I listen to talk shows, I read comments, I get my share of letters. There's a misconception that's being encouraged by this legislation that undocumented citizens are voting. It does not occur, you can't find the instance. Those folks don't want nothing to do with a ballot box, but this is largely driving it. Let me close by saying, the real sad note, Senator Fraser, is if we had not changed the rules of this body, we would not even be having this conversation. This is a great body. If we had not changed the rules to make this the priority that doesn't exist, we wouldn't even be having this discussion.

Senator Fraser: Thank you. Members, the, this actually has been a very interesting issue for all of us. The, I think there's, it's obvious that there's people in this body that feel very strongly on both sides of this issue, and I respect that. I don't think there's any point that I felt that anyone is in opposition to my views ever was disrespectful to my views. We have, as we do on all issues, we have the right to disagree. And, to that point, I think there's a lot of pieces of legislation that move the Legislature, Senator Ellis, that I question why are we taking time to do this. But that usually is my opinion and the person laying it out feels very passionate that we should be doing it. Yes, we've taken some time in debating this, and I think I'd make the point that most of the questions and the time was taken by the opposition. But the opposition on any bill has the right to do that, and I'm, I respect that and would never ever try to deny someone their ability to do this. But we also have to recognize that we are sent down by our voters. We were sent down by the people of this state to make sure that what we're doing down here protects those rights that they're either guaranteed by the Constitution or the laws that we pass. And we have an obligation for that. This issue, I believe, strikes to that very thing that we were sent down here to do. And I will, I read this earlier, but Steve Wolens was my Chairman when I was in the House, Steve Wolens was a Democratic Representative from Dallas, and he stated, and I think it is, you know, the essence of what we're talking about, the ability to cast a vote and have our vote counted is the bedrock of our democracy. We must do everything possible to ensure the sanctity of the vote of this state, which leads us to the point, Dean, Senator Whitmire was, asked earlier, how did we get to the point of talking about this bill?

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Senate Bill 362, it's not rocket science. It is not a complicated issue. It's a very simple concept. My goal in laying out Senate Bill 362 is very simple. It is, the goal is to make sure that every person arriving at a polling site is the same one who is named on that voter list, that you are who you say you are. I believe Senate Bill 362 makes voting easy. A voter showing up can either show a photo identification or two nonphoto IDs, including even an electric bill or a library card. Even if voters can't verify their identity, they're still going to be allowed to cast a provisional ballot. Every person walking into the polling place will allow, be allowed to vote. No one will leave not being able to cast a ballot. Senator Ellis, I would raise the issue that if we go back and look at the polling that has been done on this issue, there have been multiple polls that have done. The one, obviously, I like best is the one that's the most favorable, the Rasmussen poll in October of this last year showed that 88 percent of Texans, people in Texas, not a one political party or the other, 88 percent of Texans, when they're asked the question, should you have to show identification when you vote, 88 percent of the public said, yes, I agree with that concept. Now, the interesting thing is that of those 88 percent, 80 percent of them identified themselves as Democrats. There's been two other polls. The latest poll this, this last weekend by The University of Texas showed that in their poll, 69 percent, and even though that's less than 88, 67 percent. If I told you two-thirds of your voter was for something, I would suspect you'd be for that. Now, I've been doing my own personal poll. You asked me the question, have I been visiting with other people, and more especially, if I have visited with African Americans or Hispanics about this. I've actually been doing my own polling on this for a long time. Actually, going back a couple of years because we had this bill two years ago. And anytime I'm getting the chance where I can engage someone in conversation, I ask them the question, it's a very simple question, should you have to show identification to verify who you say you are whenever you have to vote? Since I've been asking that question of all people that I've engaged, I am yet to have a single person tell me that they disagree with that. Now, obviously, there's some pressure of the fact that I'm the one asking the question, but I find it interesting that if a person, if you ask them should they, you know, do that, no matter who the person is, they go, no, I think that's fair. I think that someone, you know, if they're going to be voting, should have to prove they are who they say they are. So, Senator Ellis, I would make the point that of the people that are opposed to this, I know there's 12 in this room and probably some more on the other side, but if 88 percent of the people in the State of Texas, I'm assuming that a bunch of those live in your district, and I would make the case, I'm on the side of the people in this case. Two, the voter ID bill has been passed, photo ID has been passed, a strict photo identification in two states. There's 24 states that have some form of photo identification, but the two that are the most strictest are Indiana and Georgia. Indiana's case was put into place, they've had two election cycles, in '06 and '08. Since it was put in place it's gone all the way up the Supreme Court. The Supreme Court, the confirming, the opinion on this was written by John Paul Stevens, which generally is a left-leaning, more liberal judge, and he wrote the opinion, the majority of the opinion confirming the Indiana law six to three. The Georgia case that was passed, again, went all the way through the, being approved by the Department of Justice, and has been confirmed at every level, and both of those have gone through a last election cycle. So, I guess a question I would ask, can

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someone say, is this going to suppress vote? Both Indiana and Georgia have found that, even Indiana, through two election cycles, not only did it not depress vote, it actually encouraged voters, that they felt better that their vote was going to be counted and not diluted by someone that was voting illegally, that the vote count in both those states went up. And, actually, in the last election in 2008, Georgia had the second largest increase in Democratic voters in the United States, much more than the surrounding states that did not have a like ID law in place. Indiana was the largest increase in Democratic voters in the entire United States. The total increase they had was a 6.7 increase, almost double the increase of the adjoining state, which was Illinois, where the President nominee was from. I'm going to give a couple of examples here just to make sure, and I hate that the press missed the, all the testimony we had the other night when we stayed here through 28 hours, and most of the press went home the middle of the night, so you missed a lot of the very important testimony. And I think the one that probably was the most compelling, or was, I thought was telling, was the testimony of the Secretary of State, when they were talking about the way that the Texas law works in Texas. To clarify, making sure you understand, that if someone walks into a polling place and they have a voter registration certificate, now, it doesn't make any difference whether it's theirs or their brother's or their wife's or the guy down the street or someone that's died, as long as they have a voter registration certificate. Current Texas law says, on offering to vote, a voter must present a voter registration certificate to the election officer. On presentation of the certificate, an election officer shall determine whether the voter's name is on the certificate, to check the names there, and if it's at the proper precinct. If you meet those two parameters, they hand you a ballot and you go and vote. No, any circumstance, and the question I asked the Secretary of State, if I walked into the voting booth with my brother's registration card and I was voting, I'd already voted, and then I was now going to vote with my brother's card, Steve, could they stop me from voting? And the answer was, no. There is not the ability under current law to do that. Question was raised about the ability to convict. I would make the point that under current law, not only is it virtually impossible to identify that someone is voting illegally but it is much harder to convict that person. The testimony earlier, we referenced the District Attorney René Guerra out of Hidalgo County, the DA, René Guerra, here's his exact quote that he gave to the, I believe this was to the McAllen paper, no, I'm sorry, it was to *Rio Grande Guardian* paper, he says, he said, voter fraud is nearly impossible to prove. Since losing a county ballot tampering case in '78, Guerra has shied away from taking on new cases involving election regularities, even though all the cases that Senator Williams just laid out came from that county and has been reported for years. It goes on to say, to convince a jury these days, you almost need a videotape of someone voting illegally, the District Attorney said. The article goes on to say that he has lost his appetite to prosecute. So, in trying to say that Texas doesn't have a problem, I would greatly disagree. I think we've got a huge problem because not only do we not have the ability to identify someone, we don't have the ability to prosecute it. And it actually goes much further than that. Mary Ann Collins from Plano, a 70-year-old woman, stayed here all night, other night, in order to come up here and give us her testimony about the fact that she was working as a poll worker. She had watched someone vote and a few hours later she

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had noticed someone else, and I think she had seen her with a bright hat, and she recognized this was a outstanding, or someone that, she was easy to identify. She saw the woman come back in, a couple hours later, to vote again with a different card. She went to the election judge to notify the judge that that woman was voting illegally, and the election judge said, sorry, there's nothing we can do to stop that. To assume there is not voting fraud in Texas is really almost laughable. To assume that we can prosecute someone for voting fraud is about as difficult. In affirming the Supreme Court case, John Paul Stevens made a couple of observations about voting, talks about the fact that the actual act of voting is a burden, but it's a burden that everyone accepts. The burdens of that sort arising from life's vagaries, however, are neither serious, nor so frequent as to raise a question about the constitutionality of the Indiana law. The availability of the right to cast a provisional ballot provides an adequate remedy for problems of this character. For most voters who need the inconvenience of making a trip to the Bureau of Motor Vehicles, gathering the required documents, and posing for a photograph does not qualify as a substantial burden for the right to vote, or even represent a significant increase over the usual burdens of voting. The last example I will give you, and I hope this is one that hits close to home, is someone raised the example, or the issue, well, there's a few here and a few there, but we have an example, actually, here sitting with us in this body, that Mike Jackson, when he was elected in Houston in 1988, won by seven votes. I went back and looked at the records of the voter irregularities in Houston, the number of dead people that have voted, the number of complaints that have been made, and the thought comes to my mind, if seven people had cheated during an election, it would've changed history. Mike Jackson would not be here with us today, four, if four people had flipped it. Four people could've changed history and changed his ability to serve as he has in the Texas Senate. To assume that someone cheating in an election is not important is, the best example is right here, is that there's been a lot of elections, especially a primary, and more especially in rural areas where you have a county commissioners race, one vote makes a huge difference. And if someone can cheat on that one vote, it could impact the election. The dangers of voting fraud has always threatened the integrity of the electoral process for the entire history of the United States. I believe that threat continues today. And quoting again, as I did in my opening comments, the 2005 bipartisan Carter-Baker Commission reaffirms the dangers when they say, elections are at the heart of democracy, Americans are losing confidence in the fairness of elections. And while we do not face a crisis today, we need to address the problem of our electoral system. Members, I would be concerned if I thought this bill in any way would suppress turnout, but I also believe it does not do that. It just protects legitimate vote. It offers multiple ways to prove you are who you say you are before you cast your vote. Thank you.

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SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

ADDENDUM

(TWENTY-SECOND DAY — Tuesday, March 17, 2009)

The following remarks regarding **SB 362** were ordered reduced to writing and printed in the *Senate Journal*:

Senator Watson: Members, the outcome today we all know isn't really in doubt. It hasn't been since we opened this legislative session. We knew what would happen, what we should expect, well before our meeting last week of the Committee of the Whole. But even knowing what's about to happen today, there was still a debate to be had last week, and a case that needed to be made. People who are watching us—and maybe, more importantly, those who weren't watching, those millions of legally voting Texans whose lives won't be the same if this bill passes—have a right to expect someone to prove that the supposed voter impersonation problem is at least significant enough to justify all the time we're spending on it or that this bill actually was the answer to stopping what cases we're being told about or, more importantly, that this bill would not reduce the ability of people to vote. These folks on both sides of this debate, most of them good, concerned, everyday Texans, are entitled to proof, not assumptions or rationalizations or anecdotes, but actual, statistical proof that Senate Bill 362 won't target some of our most vulnerable citizens and block them from fulfilling their right and duty. Members, the case was not made. And I deeply believe that whether it's in the Department of Justice or before a federal court, that will be confirmed. There remains only the flimsiest evidence that voter impersonation—the only type of fraud addressed by this bill—even exists. Not counting 60-year-old history and the unverified testimony of a controversial witness for a partisan elections administrator, nothing at all we've heard demonstrates that this is actually occurring any more than anecdotally in Texas. And let's be honest—if someone had the goods on a case that was going to settle this fight once and for all, they probably would have been testifying at some time other than four in the morning. It's also far from clear that Senate Bill 362 will stop whatever irregularities might conceivably be out there. We've heard of concerns about absentee ballots—this bill does nothing about them. We've heard about suspicious voter registrations—this bill leaves registration procedures entirely in place. We've been showered with hypotheticals about how much could possibly go wrong if some shadowy figure decided they'd rather steal a voter registration card than an election. Yet we've heard of no instances in memory where our elections failed our democracy because people impersonated voters. Unfortunately, the most significant new information we got last week was that our

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2009 (81R) SB 362, SENATE FLR DEBATE, 2ND READING

Transcribed by Lynne M. Rodriguez, CSR



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JA_005514

1 LIEUTENANT GOVERNOR DEWHURST: Members,
2 the Chair lays out on second reading Senate bill 362.
3 The Secretary will read the caption.

4 SECRETARY: Senate bill 362 relating to
5 requiring a voter to present proof of identification.

6 LIEUTENANT GOVERNOR DEWHURST: Senator
7 West, for what purpose do you rise, sir?

8 SENATOR WEST: Mr. President, I would
9 move for point of order.

10 LIEUTENANT GOVERNOR DEWHURST: State your
11 inquiry.

12 SENATOR WEST: Mr. President, I would
13 move for, that this bill not be considered pursuant to
14 Rule 7.09, more specifically the fiscal note rule that
15 we commonly refer to it, in that it violates the fiscal
16 rule.

17 Two things, there's been testimony during the
18 hearing that many of the core principles associated with
19 this bill were considered during the 80th legislative
20 session with a similar type bill.

21 In addition to that, I would raise the issue
22 for consideration specifically under 7.09(f), basically
23 saying that a fiscal note for a bill or joint resolution
24 which authorizes or requires expenditures of diversion
25 of any state funds for any purpose shall estimate the



1 fiscal implications and probable cause of the measure
2 each year.

3 Yesterday in Finance, the finance committee
4 took up and passed a contingency rider for Senate bill
5 362, and for purposes of the record, let me read it in
6 here.

7 Contingent upon the passage of Senate bill
8 362, a similar legislation relating to requiring a voter
9 to present proof of identification by the 81th
10 legislature, regular session, the Secretary of State is
11 has appropriated two million dollars for fiscal year
12 2010 for the general revenue fund for voter education.

13 If indeed the testimony of the Secretary of
14 State is correct as relates to putting together the
15 fiscal note that LBB has provided for this particular
16 bill, that there's no fiscal implication, then the issue
17 of appropriating two million dollars is certainly
18 evidence that there is, in fact, a fiscal note, and thus
19 is violative of the particular rule that I just quoted,
20 and for those reasons, I would ask that this bill not be
21 considered.

22 LIEUTENANT GOVERNOR DEWHURST: Would you
23 approach the podium?

24 Senator West, after conferring with you,
25 several of the senators and the parliamentarian, Rule



1 709, in my judgment, has been complied with. Therefore,
2 your point of order is overruled.

3 SENATOR WEST: Mr. President, is this the
4 appropriate time to ask that the point of order and also
5 the discussion be spread upon the journal?

6 LIEUTENANT GOVERNOR DEWHURST: Members,
7 Senator West moves to reduce to writing the testimony,
8 the comments by Senator West on the point of order. Is
9 there any objection?

10 SENATOR WEST: And the ruling also.

11 LIEUTENANT GOVERNOR DEWHURST: And the
12 ruling.

13 Is there any objection from any members of the
14 Chair? Hearing there's none, so ordered.

15 SENATOR WEST: Thank you, Mr. President.

16 SENATOR VAN DE PUTTE: Mr. President?

17 LIEUTENANT GOVERNOR DEWHURST: Senator
18 Van de Putte, for what purpose do you rise?

19 SENATOR VAN DE PUTTE: Parliamentary
20 inquiry, Mr. President.

21 LIEUTENANT GOVERNOR DEWHURST: State your
22 inquiry.

23 SENATOR VAN DE PUTTE: Mr. President,
24 Rule 5.14 (c) on the 81th legislative rules of the
25 Senate state that the Secretary shall prepare a list of



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1 all legislation for which notice has been given and the
2 list must be made available to each member of the Senate
3 and to the President no later than 6:30 on the day the
4 notice is filed.

5 Is this such notice the Notice of Intent?

6 LIEUTENANT GOVERNOR DEWHURST: Senator
7 Van de Putte, what's you're holding or what you just
8 showed is the intent calendar.

9 SENATOR VAN DE PUTTE: Mr. President,
10 parliamentary inquiry.

11 LIEUTENANT GOVERNOR DEWHURST: State your
12 inquiry.

13 SENATOR VAN DE PUTTE: Is a bill that
14 results from a report of the committee as a whole
15 subject to the intent calendar and Rule 5.14 (c)?

16 LIEUTENANT GOVERNOR DEWHURST: Senator
17 Van de Putte, if a bill is part of the regular order of
18 business and a Senator wishes to suspend the regular
19 order of business, then the Senator must give notice
20 pursuant to Rule 5.14 (c).

21 SENATOR VAN DE PUTTE: Parliamentary
22 inquiry, Mr. President.

23 LIEUTENANT GOVERNOR DEWHURST: State your
24 inquiry.

25 SENATOR VAN DE PUTTE: Is the Texas



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1 Senate agenda aligned with the Notice of Intent for
2 March 17, 2009?

3 LIEUTENANT GOVERNOR DEWHURST: Senator
4 Van de Putte, the Notice of Intent is typically included
5 in the green book.

6 SENATOR VAN DE PUTTE: Mr. President,
7 parliamentary inquiry.

8 LIEUTENANT GOVERNOR DEWHURST: State your
9 inquiry.

10 SENATOR VAN DE PUTTE: If a Texan sitting
11 at home or looking at the proceedings of the Senate by
12 the either Texas Senate agenda or Notice of Intent,
13 would those citizens have any notification of the Senate
14 bill before us today?

15 LIEUTENANT GOVERNOR DEWHURST: Senator
16 Van de Putte, the answer is yes and yes. Senate bill
17 362 is listed on page 27 of the green book and it is
18 listed online.

19 SENATOR VAN DE PUTTE: Thank you,
20 Mr. President.

21 LIEUTENANT GOVERNOR DEWHURST: Thank you,
22 Senator Van de Putte.

23 Senator Fraser, do you wish to say anything or
24 go directly to amendments?

25 SENATOR FRASER: Mr. Chairman, I'd like



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1 to lay out the first amendment.

2 LIEUTENANT GOVERNOR DEWHURST: The Chair
3 lays out Floor Amendment Number 1 for Senator Fraser.
4 The secretary will read the amendment.

5 SECRETARY: Floor Amendment Number 1 by
6 Fraser.

7 LIEUTENANT GOVERNOR DEWHURST: The Chair
8 recognizes Senator Fraser to explain Floor Amendment
9 Number 1.

10 SENATOR FRASER: And if you don't mind,
11 I'd like to make sure they got the right one.

12 Last Tuesday night, when we were having the
13 testimony in the committee of the whole, Senator Van de
14 Putte and I had a conversation regarding the voter
15 registration certificate being required under this
16 legislation, and I think that the point she made was
17 valid in that it is the intent that I have an either/or,
18 either they can show a photo, a form of photo
19 identification or two other types of identification,
20 which could be a utility bill and a library card.

21 The way the language in the bill was written,
22 it implied you had to have your voter registration card
23 and two other forms of identification, and I told her
24 then that was not my intent by this amendment.

25 I'm hopefully correcting that, and I think I



1 had advised Senator Van de Putte that I was laying it
2 out. I think she's looked at it. I suspect she would
3 have a comment, so that's what that amendment does.

4 LIEUTENANT GOVERNOR DEWHURST: Senator
5 Whitmire?

6 SENATOR WHITMIRE: Would the gentleman
7 yield?

8 LIEUTENANT GOVERNOR DEWHURST: Will
9 Senator Fraser yield to Senator Whitmire?

10 SENATOR FRASER: I would love to yield.

11 SENATOR WHITMIRE: Thank you, Senator
12 Fraser. Even if we adopt this proposed amendment, isn't
13 it still going to be true, under the legislation that we
14 just took up, that you will actually be able to go vote
15 without a picture ID? You're going to be able to use
16 these other documents, such as a government letter or
17 library card. So all the time and effort you've spent
18 on what is called the voter ID, you're still going to be
19 able to go vote without producing a photo of the person
20 actually voting.

21 SENATOR FRASER: It is the beauty of the
22 legislation that I'm laying out that we have a relief
23 valve, is that we believe that the bulk, the
24 overwhelming number of people that have a photo ID will
25 use that, but if there is someone that doesn't have



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1 that, we give them the ability to use other forms of
2 identification.

3 SENATOR WHITMIRE: Well, the point I'm
4 making is you still haven't solved the problems that you
5 alluded to during the all-night session, particularly
6 your brother coming and voting right after you did with
7 your ID.

8 I mean, really, if you believe people are
9 impersonating someone else, I would suggest that you
10 still haven't fixed that problem.

11 So why are you holding us up with such a
12 banner piece of legislation to all that were interested
13 and saying that you will never be able to impersonate
14 someone because now you're going to have to prove who
15 you are? No, all you got to do is get creative, is it
16 not true, and have a library card, a utility bill and
17 just know how to fraudulently use that.

18 SENATOR FRASER: I think you just made my
19 point that we have voter fraud that is happening all
20 over the state, and I appreciate you making that point
21 --

22 SENATOR WHITMIRE: I'm not arguing for
23 the bill, you understand. I'm trying to say you got a
24 big old gap in it, and, in fact, voter impersonation has
25 never been shown to be a problem. Your real problem is



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1 met with mail-in ballots, which you don't address at all
2 in this legislation, so it's just some of the
3 communication we've had in the office with constituents
4 point out, very properly, that you can hold this up as a
5 voter ID, that it's going to stop impersonation, but, in
6 fact, it's not.

7 All it's going to do, as these constituents
8 notify me, is make it impossible for seniors, people
9 that are mobile, people that have changed address and do
10 not have these other documents that you allow them to
11 use, you're creating major obstacles for people who
12 otherwise would be able to go vote, and we'll discuss it
13 in more detail in a moment, but I just want to clear up
14 for the record, you're still not going to require
15 someone to absolutely prove who they are in terms of a
16 photo matching the voter certificate.

17 SENATOR FRASER: As President Carter
18 said, the system we have today, it's easy to cheat. I'm
19 trying to move a step toward, and realistically, we're
20 only addressing one small part of a --

21 Just a second, I'm in the middle of a
22 statement here.

23 SENATOR WEST: Oh, I'm sorry.

24 SENATOR FRASER: I allowed you the chance
25 to talk. We're only addressing a very small part of a



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1 huge problem. We're taking a step in the right
2 direction, but for you to say that because it doesn't go
3 all the way of fixing everything, we shouldn't try to
4 fix it, it's no different than we do in all legislation
5 down here, is that sometimes you have to take small
6 steps to get to the end result, and yes, I'd love to be
7 able to fix all the fraud that we believe is happening,
8 and I'm only addressing a portion of that, and that I
9 think --

10 It sounds to me like what you're promoting is
11 the Indiana law that would put in a strict voter ID, and
12 if you want to offer up that amendment, that would be
13 great.

14 SENATOR WHITMIRE: I'm not promoting that
15 at all, because I don't think that you have proven that
16 impersonation and fraud exists, and I'll discuss it in
17 my talks in a moment, and I didn't intend to debate you
18 this morning, but I do have a couple follow-up questions
19 that I meant to ask you.

20 You keep referencing Jimmy Carter as kind of
21 your role model. I'm just curious, did you vote for him
22 when he ran for president?

23 SENATOR FRASER: I respect him for being
24 a peanut farmer.

25 SENATOR WHITMIRE: Okay, so you didn't



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1 vote for him but now you're using him as your most
2 credible source.

3 Also, let me ask you another thing as you're
4 friend? How long have you been in the legislature?
5 You've been in the Senate what, 15 years?

6 SENATOR FRASER: I know that I've been
7 here at least the last two years. I can remember that
8 far back.

9 SENATOR WHITMIRE: More than 10; 5 in the
10 House. When did you realize this was a problem? And
11 you've served many good sessions. Why didn't you
12 introduce a measure look this in previous years? Why
13 now? I'm just curious.

14 SENATOR FRASER: It's interesting you
15 bring that up. In 1996, the Dallas morning news did a
16 guest editorial calling for photo ID because they were
17 having massive voter fraud in Dallas County. They
18 stepped out front. So this is not an issue that just
19 all of a sudden popped up. This goes all the way back
20 to the problems we've had.

21 SENATOR WHITMIRE: What took you so
22 long? If it was in '96 that they brought you to this
23 attention, did the problem go away or they didn't take
24 it that serious or it wasn't a credible issue? I mean,
25 what's happened in the last two sessions that this is



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1 such a high priority for you and others?

2 SENATOR FRASER: It's like all issues,
3 that there's a lot of issues that come up and material
4 with time, and I believe that this is an issue whose
5 time has come.

6 SENATOR WHITMIRE: Well, I respectfully
7 disagree and I'll speak in more depth in a moment.
8 Thank you.

9 LIEUTENANT GOVERNOR DEWHURST: Senator
10 Van de Putte, nor what purpose do you rise?

11 SENATOR VAN DE PUTTE: To ask the author
12 of the amendment a few questions.

13 LIEUTENANT GOVERNOR DEWHURST: Will
14 Senator Fraser yield to Senator Van de Putte?

15 SENATOR FRASER: I would love to yield.

16 SENATOR VAN DE PUTTE: Thank you,
17 Mr. President. Thank you, Senator Fraser. Happy
18 St. Patrick's Day.

19 SENATOR FRASER: Thank you. I had to do
20 a plan B here. I'm not sure -- you know, as I said, you
21 know, I did have green on but you couldn't see it.

22 SENATOR VAN DE PUTTE: Senator Fraser,
23 with respect to Amendment Number 1, this came as a
24 result of my reading of the bill last Tuesday, when I
25 questioned as the bill was written or is written without



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1 the amendment, there is what I call you either have to
2 have a twofer or a threefer. According to the bill that
3 was voted on last week, you would have to have a voter
4 certificate issued by your registrar in the county, plus
5 a photo identification. If you didn't have either one
6 of those, then it would default and you would have to
7 have two more of the items that you listed as
8 alternative forms of proof.

9 So if the bill, as written, without this
10 amendment, even if you showed up with your driver's
11 license, you still would have to prove and get two other
12 pieces of identification, right, and this corrects that?

13 SENATOR FRASER: We believe that it
14 corrects that problem.

15 SENATOR VAN DE PUTTE: Okay. And so in
16 each part of the section here, I think the most
17 important was, and that was what I questioned last week,
18 was that on page one, we didn't have an "Either," an
19 "Either," so that this way, if someone does go to the
20 polls with a photo identification, they do not have to
21 prove to others if it's in that list of photo
22 identifications, is that correct?

23 SENATOR FRASER: It's basically following
24 what we use in current law, and I would use, as I very
25 rarely take my voter registration card, I walk in, they



1 have me on the list, I show them my driver's license
2 with my picture and my address. The address matches
3 what's on the list. My signature matches when I sign
4 it, so that would stay as it is now.

5 SENATOR VAN DE PUTTE: Now under this
6 amendment or incorporated into the body of the bill, if
7 a voter presents at a voting location with a driver's
8 license or photo identification, can election judge or
9 clerk demand two other proofs of identification if that
10 judge does not think that the photo ID matches up with
11 the person presenting to vote?

12 SENATOR FRASER: I'm sorry, the question
13 is if they show a photo ID?

14 SENATOR VAN DE PUTTE: Uh-huh.

15 SENATOR FRASER: And they can't verify
16 from the vote ID that that is the correct person? Is
17 that the question you're asking?

18 SENATOR VAN DE PUTTE: Yes.

19 SENATOR FRASER: One second.

20 Would you repeat your question?

21 SENATOR VAN DE PUTTE: Yes, Senator
22 Fraser. My question is, should a voter present at a
23 polling location with a photo identification as
24 prescribed in your bill, does the election judge or
25 clerk, because sometimes it's the clerk, not



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1 particularly the head judge that is intake for the
2 voters, can either the election judge or clerk demand
3 two other proofs of identification if the election judge
4 or clerk suspects that, or the picture doesn't match up,
5 under your bill, what authority does the election judge
6 or clerk have?

7 SENATOR FRASER: The bill, if someone
8 uses this form of identification, would go back to
9 current law, and the current law is the Secretary of
10 State educates the election judge and the election judge
11 then would make a determination.

12 SENATOR VAN DE PUTTE: I understand
13 that. My question is, does the election judge or clerk,
14 under your bill, even when a voter presents with photo
15 identification, have the authority to demand the two
16 other forms of identification prescribed in your bill?

17 SENATOR FRASER: The answer to your
18 question is that, that no. You know, if someone
19 presents an ID and they can't confirm it, there is a
20 fall-back position for the election judges to determine,
21 is this, you know, the person, and that's provided under
22 current law. My bill doesn't impact that.

23 SENATOR VAN DE PUTTE: So current law
24 would reaffirm the right of the voter to cast a
25 provisional ballot or does the judge have the authority



1 to ask for more identification?

2 SENATOR FRASER: My amendment is very
3 straight forward. The amendment that I'm offering
4 clarifies that the threefer that you talked about
5 addressed that, and that's what I'm addressing in this
6 amendment.

7 SENATOR VAN DE PUTTE: With this
8 amendment though, from what I understand, the bill had
9 required the two, but now if, with your amendment, when
10 they present with just a photo ID, my question was, does
11 the election judge have the authority though, with your
12 amendment, which is just, I think, clarifying, but
13 embedded in the body of the bill, does the election
14 judge have the authority to ask that voter to cast a
15 provisional ballot and then return with the two other
16 forms of ID provided in your bill?

17 SENATOR FRASER: The amendment that I'm
18 laying out addresses the fact that we're not asking for
19 three forms of identification for the alternate means.

20 SENATOR VAN DE PUTTE: I will ask my
21 question at the appropriate time after the amendment is
22 adopted, because I understand that -- but my question
23 still remains, with or without the amendment, what is
24 the authority of the election judge or clerk to ask for
25 subsequent proofs of identification should the photo,



1 the election judge or clerk not think that it match up.

2 Thank you, Senator Fraser. I appreciate
3 you catching this. When I read the bill, I thought that
4 that indeed was the case and I was very frightened of
5 the effect if all of my colleagues voted on a bill that
6 required every single Texan casting a vote to have both
7 pieces of documentation, and in the absence of either
8 the certificate or the photo ID, then have to go to a
9 three, to get two more. I think that would have been a
10 terrible burden. It's a terrible burden on certain
11 classes of people. It would also be a terrible burden
12 for all Texans, and I appreciate I correcting this with
13 your amendment. Thank you, Senator Fraser.

14 LIEUTENANT GOVERNOR DEWHURST: Thank you,
15 Senator Van de Putte.

16 Senator Shapleigh, for what purpose do you
17 rise, sir?

18 SENATOR SHAPLEIGH: Some questions of the
19 author of the amendment.

20 LIEUTENANT GOVERNOR DEWHURST: Will
21 Senator Fraser yield to Senator Shapleigh?

22 SENATOR FRASER: I will yield.

23 SENATOR SHAPLEIGH: Senator, I'm trying
24 to follow along on this amendment on lines 15, 16, 17 of
25 your amendment, where you're amending Section 10 of the



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1 bill, so I'm over here on Section 10, page 3, line 21,
2 so we're inserting, right after the number 1 on the bill
3 that's in our bill book, the words, "The voter's voter
4 registration certificate or," and then you begin to list
5 these documents.

6 So as I understand it, with your amendment,
7 any one of those documents suffices?

8 SENATOR FRASER: Why don't you ask your
9 question again.

10 SENATOR SHAPLEIGH: Okay, I'm trying to
11 understand how the words in your amendment fit into the
12 bill in our bill book, and so I'm looking at lines 15,
13 16, 17 of the floor amendment, where you are amending,
14 on page 3 of the bill, line 21, you're inserting some
15 words there, and the words that you insert are, "The
16 voter's voter registration certificate or," and then we
17 go into a laundry list of different documents that would
18 suffice under your amended bill.

19 So as I understand your amendment, if you
20 bring a voter registration certificate or a copy of a
21 current utility bill or a bank statement or a government
22 check or a paycheck or other government document that
23 shows the name and address of the voter, then that's
24 what you're requiring with this amendment. So in
25 theory, am I right in saying that you that if you show



1 up a with voter's voter registration certificate, you
2 can vote?

3 SENATOR FRASER: The answer is no.

4 SENATOR SHAPLEIGH: The answer is no.

5 SENATOR FRASER: You couldn't just show
6 up with a voter registration card and vote?

7 SENATOR SHAPLEIGH: Could you say that
8 again?

9 SENATOR FRASER: If someone, under the
10 terms of 362, show up with a voter registration card on
11 them, they would not be allowed to vote.

12 SENATOR SHAPLEIGH: They would not be
13 allowed to vote?

14 SENATOR FRASER: I'm sorry, I'm going to
15 need to retract that. Everyone that comes will be
16 allowed to vote before they leave. I'll retract what I
17 just said. Everyone coming, if they don't have the
18 other forms, they would vote a provisional ballot and
19 then it would have to be determined that they are who
20 they say they are.

21 SENATOR SHAPLEIGH: So with this section
22 of your amendment where you're inserting those words,
23 "Voter's voter registration certificate or," you're
24 still requiring some other ID under what you're doing
25 here?



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1 SENATOR FRASER: Two non-photo pieces of
2 identification if they don't have --

3 If they don't have their voter registration
4 card, they would either show a -- you show a photo ID to
5 vote or you can show two other non forms.

6 SENATOR SHAPLEIGH: Okay. I'm hoping as
7 this goes through the process, and I think I understand
8 what you're trying to do to change the threefer to make
9 it a photo plus vote, I'm not sure your amendment does
10 that.

11 SENATOR FRASER: If you got a correction
12 that makes it clearer --

13 SENATOR SHAPLEIGH: No, I don't have any
14 corrections to it, but I think if you're trying to get
15 where you're trying to get, I'm not sure that amendment
16 gets you there.

17 SENATOR FRASER: I believe this amendment
18 was drawn by legislative counsel, so I think they
19 believe that it accomplishes that, but if you read it
20 differently, it is my intent that someone would be
21 allowed to vote with two additional, but it would not be
22 three, not the voter registration card and two
23 additional.

24 SENATOR SHAPLEIGH: Okay. Thank you.

25 SENATOR FRASER: They would not be



1 required three.

2 SENATOR SHAPLEIGH: Thank you, Senator.

3 LIEUTENANT GOVERNOR DEWHURST: Members,
4 Senator Fraser moves the adoption of Floor Amendment
5 Number 1. The Secretary will call the roll.

6 SECRETARY: Averitt, Carona, Davis.
7 Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos,
8 Harris, Hegar, Hinajosa, Huffman, Jackson, Lucio,
9 Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro,
10 Shapleigh, Uresti, Van de Putte, Watson, Wentworth,
11 West, Whitmire, Williams and Zaffirini.

12 LIEUTENANT GOVERNOR DEWHURST: Members,
13 there being 31 "I's" and no "Nay's", Floor Amendment
14 Number 1 is adopted.

15 The Chair lays out Floor Amendment Number
16 2 by Senator Fraser. The Secretary will read the
17 amendment.

18 SECRETARY: Floor Amendment Number 2 by
19 Fraser.

20 LIEUTENANT GOVERNOR DEWHURST: The Chair
21 recognizes Senator Fraser to explain Floor Amendment
22 Number 2.

23 SENATOR FRASER: Mr. President, members,
24 I now lay out Floor Amendment Number 2. Allow me to
25 explain.



1 Members, in the discussion, again, on Tuesday
2 night, a lot of discussion about voter education and the
3 intent of the bill. The Secretary of State, in their
4 testimony, clarified two points. One is that there is
5 an ongoing voter education that has been going on for
6 the last several years that was a HAVA grant that came
7 from the federal government of nine million dollars.

8 Last year, the Secretary of State testified
9 that they spent three million of that nine in voter
10 education. Sitting in reserve in the Secretary of
11 State's fund from HAVA, there is two million dollars
12 that they verified that they believe can be eligible for
13 this. Now they have to make a request of the federal
14 government to use that funding. So this amendment that
15 I'm offering clarifies that the election officials at
16 the Secretary of State would make a request to have that
17 two million dollars in HAVA Funds remaining use for
18 these efforts.

19 LIEUTENANT GOVERNOR DEWHURST: Senator
20 Zaffirini, for what purpose do you rise, ma'am?

21 SENATOR ZAFFIRINI: To ask the author a
22 question.

23 LIEUTENANT GOVERNOR DEWHURST: Will
24 Senator Fraser yield to Senator Zaffirini?

25 SENATOR FRASER: Sure will.



1 SENATOR ZAFFIRINI: Thank you,
2 Mr. President. Senator Fraser, I'm looking at the bill
3 and see what you're doing is adding a paragraph to that
4 Section 31.012. The first paragraph seems to be
5 identical, is that right?

6 SENATOR FRASER: If you'll hold on a
7 second.

8 SENATOR ZAFFIRINI: On page 1, line 20 is
9 where Section 2 starts.

10 SENATOR FRASER: One second. Okay.
11 Yes. Page 1, Section 2.

12 SENATOR ZAFFIRINI: Line 20.

13 SENATOR FRASER: Yes.

14 SENATOR ZAFFIRINI: And your amendment
15 includes lines 6 through 11, that seem to be identical
16 with the bill we have before us, so what you're doing is
17 adding sub-paragraph B, is that correct?

18 SENATOR FRASER: I believe that is
19 correct.

20 SENATOR ZAFFIRINI: How does that differ,
21 Senator? How does this change the bill?

22 SENATOR FRASER: It doesn't change the
23 bill, it just clarifies, and also based the testimony of
24 the Secretary of State that there's two million dollars
25 in funds that are left from HAVA, they have an ongoing



1 voter registration and it would clarify that they --
2 after the passage of the bill, we would make a request
3 that they request the federal government to use that two
4 million of HAVA funds for voter education.

5 SENATOR ZAFFIRINI: But in your
6 amendment, on line 17 of your amendment, you establish a
7 statewide effort to education voters. Is that something
8 new or was that the intent of the bill as filed?

9 SENATOR FRASER: My amendment that I'm
10 looking at doesn't have a line 17.

11 SENATOR ZAFFIRINI: If you look at the
12 amendment that was just distributed.

13 SENATOR FRASER: The one that was passed
14 out has it. I'm sorry. Would you ask your question
15 again, please?

16 SENATOR ZAFFIRINI: Yes. On line 17, you
17 establish a statewide effort to educate voters, and my
18 question is, is this consistent with the legislative
19 intent of the bill as filed or is this in addition to
20 the bill?

21 SENATOR FRASER: No, this is ongoing --
22 this, as I laid out in my amendment, the Secretary of
23 State spent three million in last year in voter
24 education as part of the charge of the Secretary of
25 State. We want to make sure that all voters are



1 educated. If they spent three million last year,
2 there's two million left in that fund and we would ask
3 that they make a request to the federal government.

4 SENATOR ZAFFIRINI: Thank you, Senator.
5 Going back to the bill that we have before us, I'm
6 looking at the fiscal note now.

7 SENATOR FRASER: Yes.

8 SENATOR ZAFFIRINI: And it is the same,
9 and the main thrust of it is, quote, "No fiscal
10 implication to the state is anticipated."

11 You may recall, Senator, that I questioned the
12 fiscal note several times last week.

13 SENATOR FRASER: Yes, you did.

14 SENATOR ZAFFIRINI: In different
15 situations. And one of the things we noted is that the
16 Secretary of State would have to spend money and that
17 there certainly was a fiscal implication to the state.

18 Is this amendment that you're offering at this
19 point meant to clarify that position?

20 SENATOR FRASER: Senator, as you know, as
21 someone that has been on Finance and on the conference
22 committee for years, that the fiscal notes come from the
23 Legislative Budget Board. Legislative Budget Board
24 talks to people that potentially impact on the bill as
25 filed. The bill, as filed, they gave us a fiscal note



1 and the note said no fiscal impact.

2 SENATOR ZAFFIRINI: But the bill hasn't
3 changed until this point. The bill that's filed is
4 still the bill before us, with the exception of the
5 amendments that we are consider today.

6 SENATOR FRASER: That's correct.

7 SENATOR ZAFFIRINI: So the fiscal note
8 would still apply.

9 SENATOR FRASER: Yes.

10 SENATOR ZAFFIRINI: Before the amendment?

11 SENATOR FRASER: Yes.

12 SENATOR ZAFFIRINI: Yesterday in the
13 Senate Finance Committee, Senator Ogden surprised us by
14 presenting a contingency rider for your bill, Senator.
15 Were you aware that he was offering that contingency
16 rider?

17 SENATOR FRASER: Was I aware that he was
18 offering it?

19 SENATOR ZAFFIRINI: Before he offered it.

20 SENATOR FRASER: We have had discussions
21 the last couple of days about if funds were needed, that
22 he is sympathetic that if funds are needed, yes.

23 SENATOR ZAFFIRINI: Well, basically if I
24 recall correctly, and I'm subject to correction if
25 somebody remembers otherwise, but if I recall correctly,



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1 he said that he listened to the debate and that he
2 believed that we were right and that there would be
3 fiscal implications to the state, and that that's why he
4 was offering that contingency rider relative to your
5 bill, which I must admit it's very rare for someone to
6 offer a contingency rider for an author of a bill
7 instead of for his or her own, unless he's doing it on
8 behalf of that author, and that's why I wanted to know
9 if you knew ahead of time that he was going to offer
10 that contingency rider.

11 SENATOR FRASER: He's your chairman and
12 you sit beside him and I wouldn't attempt to say what
13 he's trying to do.

14 SENATOR ZAFFIRINI: And I'm sure he'll
15 come back later. But my concern yesterday, Senator, is
16 that while Senator Ogden's contingency rider addressed
17 the issue of the Secretary of State's spending, he did
18 not address the issue of the Department of Public Safety
19 spending any money, and is your position still that the
20 Department of Public Safety can absorb all the costs
21 related to voter identification, including providing
22 free voter identification materials?

23 SENATOR FRASER: As the author of the
24 bill, I lay out the bill, the Legislative Budget Board
25 does the research of the potential cost. They came back



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1 with no significant cost. My position is I read no
2 significant cost.

3 SENATOR ZAFFIRINI: So you will accept
4 that position. And Senator Fraser, earlier you said,
5 earlier in the week, you said you had not considered the
6 expenses related to a pre-clearance process before the
7 Department of Justice.

8 SENATOR FRASER: I'm sorry; what did you
9 just say?

10 SENATOR ZAFFIRINI: It was my
11 understanding that when we discussed this bill earlier,
12 that you had not considered -- I believe you said in
13 response to questions, that you had not considered the
14 expenses related to pre-clearance or to a lawsuit
15 related to this bill.

16 SENATOR FRASER: I'm sorry, Senator, the
17 middle part of that sentence, I still haven't gotten
18 what you've said. You said I have not considered
19 something about the Justice Department.

20 SENATOR ZAFFIRINI: The expenses of the
21 state related to the pre-clearance process.

22 SENATOR FRASER: Expenses or? I'm
23 missing --

24 SENATOR ZAFFIRINI: Or the lawsuit, or
25 the lawsuit that is likely to follow.



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1 SENATOR FRASER: The expenses or the
2 lawsuit?

3 SENATOR ZAFFIRINI: Yes. And is that
4 still true today, you still not have considered any
5 expenses that we expect to be encumbered by the state of
6 Texas to deal with the pre-clearance process and with
7 the lawsuit that is expected to be filed if this bill is
8 passed?

9 SENATOR FRASER: I file the bills, the
10 bill, as we always do. Legislative Budget Board comes
11 up with a fiscal note. The fiscal note says there's no
12 impact.

13 SENATOR ZAFFIRINI: But I'm not asking
14 about the fiscal note now. I'm asking if you have
15 considered those expenses?

16 SENATOR FRASER: I am taking it one step
17 at a time, that my job is to try to, this morning, to
18 get this off the Senate floor.

19 SENATOR ZAFFIRINI: Thank you, Senator.
20 I've also noticed that you are citing several
21 amendments. One in particular responds to Senator Van
22 de Putte's questions, and I appreciate that. During our
23 debate earlier, I asked you about the student
24 identification card and why your bill would accept what
25 you described as student identification cards issued by



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1 a public institution of higher education but not by a
2 private institution of public education. Do you intend
3 to offer any amendments related to that issue?

4 SENATOR FRASER: Senator, probably not.
5 I'm open to discussion, but a public institution,
6 because it is a, you know, a government or quasi
7 government entity, we have control over, you know, the
8 quality or the validity of that. We have no controls
9 over the validity that would be offered by someone
10 else. So if someone is going to offer something, we
11 have to know that the information or have some
12 confidence that that information is correct.

13 SENATOR ZAFFIRINI: Thank you, Senator
14 Fraser, and if you will indulge me to ask a question of
15 the presiding officer.

16 PRESIDENT: Senator Zaffirini, for what
17 purpose?

18 SENATOR ZAFFIRINI: Thank you,
19 Mr. President. For the purpose of a very personal
20 introduction.

21 PRESIDENT: You're recognized.

22 SENATOR ZAFFIRINI: Thank you,
23 Mr. President. Mr. President and members, it is my
24 pleasure to introduce to you a very special page who is
25 with us today. This is Brennan Morter from Laredo,



1 Texas. His mother, Katrina, is with us today, and she
2 is my niece and God-daughter, and they are with my
3 sister, Celisa Pappas Borchert, who is Brennan's
4 grandmother. My son Carlos, who many of you, know is
5 his God-father, so you can see there are many inter-
6 relationships.

7 Brennan is a second grader at United Day
8 School. His hero is Spiderman. He's a Cub Scout and a
9 student athlete and he is with us today celebrating his
10 birthday. He turned eight years old yesterday, but he
11 decided to come to the Texas Senate and work with us and
12 see us in action.

13 Thank you, Mr. President and members. Please
14 join me in welcoming Brennan Morter, our very special
15 Senate page today. Thank you.

16 (Clapping.)

17 PRESIDENT: Thank you, Senator
18 Zaffirini. We welcome your guest.

19 The Chair at this time --

20 Senator Van de Putte, for what purpose?

21 SENATOR VAN DE PUTTE: Thank you,
22 Mr. President. To ask the author of the amendment a
23 question.

24 PRESIDENT: Will author yield? Senator
25 Fraser, will you yield for a question?



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1 SENATOR FRASER: I'll be glad to yield.

2 SENATOR VAN DE PUTTE: Thank you,
3 Mr. President. Thank you, Senator Fraser. I'm looking
4 at the amendment and Section B of the 31.012 on -- it
5 says, "The Secretary of State, in cooperation with the
6 appropriate non-profit organizations, as determined by
7 the Secretary of State and with each party's nominee for
8 governor in the most recent gubernatorial general
9 election received 20 percent or more."

10 If, Senator Fraser, we had two gubernatorial
11 candidates that listed on their party affiliation
12 independent, how do you foresee the Secretary of State
13 giving the independent party part of the statewide
14 efforts to educate voters?

15 SENATOR FRASER: The amendment is very
16 clear. The intent is that any -- any party that
17 received 20 percent or more of votes, there would be an
18 effort by the Secretary -- the Secretary of State would
19 monitor that and would set up the policies.

20 SENATOR VAN DE PUTTE: Senator Fraser, a
21 follow-up question. Were you aware that Governor Perry
22 received 39.02 percent of the vote as the nominee from
23 the Republican party in the most recent gubernatorial
24 election?

25 SENATOR FRASER: Yes.



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1 SENATOR VAN DE PUTTE: And were you aware
2 that Chris Bell received 29.78 percent of the vote in
3 the prior gubernatorial, representing -- he was the only
4 Democrat on the ticket for that particular position?

5 SENATOR FRASER: Yes.

6 SENATOR VAN DE PUTTE: My question is
7 that, Mr. Kinky Friedman received 12.44, running as an
8 independent, but also Ms. Strayhorn received 18.1
9 percent. Since both of those were listed as
10 independents and they meet the 20 percent threshold
11 listed in your amendment, how do you foresee an
12 independent party, but by your amendment, we are -- the
13 Secretary of State must adhere. How would they
14 accomplish that? Since there may not be an independent
15 party, would this subject as to your requirement, would
16 it be subject to interpretation or litigation? Because
17 I don't know that there is a bona fide independent
18 party, but both of those candidates represented and meet
19 the threshold of your amendment.

20 SENATOR FRASER: The Secretary of State
21 would determine, is what the wording says.

22 SENATOR VAN DE PUTTE: Thank you, Senator
23 Fraser.

24 Mr. President?

25 PRESIDENT: Senator Van de Putte, for



1 what purpose?

2 SENATOR VAN DE PUTTE: I would like the
3 opportunity to introduce at this point, since I have the
4 floor and just finished with the questioning for Senator
5 Fraser, two of my special guests.

6 PRESIDENT: Plead proceed.

7 SENATOR VAN DE PUTTE: Thank you,
8 Mr. President. Members, it is a great pleasure for me
9 to have two young students with me at my desk today.
10 Both students of Central Catholic High School in San
11 Antonio, who have come here to witness the days
12 deliberation. I have Mr. Andrew Villareal and Mr. Angel
13 Ortiz, who are with us. Please welcome these fine two
14 young men to our Senate chambers. Thank you.

15 (Clapping.)

16 PRESIDENT: Thank you, Senator Van de
17 Putte.

18 Members, the question now is on the
19 adoption of the Floor Amendment Number 2. The Secretary
20 will call the roll.

21 SECRETARY: Averitt, Carona, Davis.
22 Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos,
23 Harris, Hegar, Hinajosa, Huffman, Jackson, Lucio,
24 Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro,
25 Shapleigh, Uresti, Van de Putte, Watson, Wentworth,



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1 West, Whitmire, Williams and Zaffirini.

2 PRESIDENT: There being 19 "I's" and 12
3 "Nay's", Floor Amendment Number 2 is adopted.

4 The Chair recognizes Senator Fraser for a
5 motion.

6 SENATOR FRASER: Mr. President, members,
7 I would now move passage of Senate bill 362, as amended,
8 to engrossment.

9 PRESIDENT: Members, the question is on
10 passage to engrossment. Senator Watson, for what
11 purpose?

12 SENATOR WATSON: At the appropriate time,
13 to speak on the main motion.

14 PRESIDENT: Senator Watson, this is the
15 appropriate time. You're recognized.

16 SENATOR WATSON: Thank you very much,
17 Mr. President. Members, the outcome today, we all know,
18 isn't really in doubt. It hasn't been since we opened
19 this legislative session. We knew what would happen,
20 what we should expect well before our meeting last week
21 of the committee of the whole, but even knowing what's
22 about to happen today, there was still a debate to be
23 had last week in a case that needed to be made.

24 People who are watching us, and maybe more
25 importantly, those who weren't watching, those millions



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1 of legally voting Texans whose lives won't be the same
2 if this bill passes, have a right to expect someone to
3 prove that the supposed voter impersonation problem is
4 at least significant enough to justify all the time
5 we're spending on it or that this bill actually was the
6 answer to stopping what cases were being told about.

7 Or, more importantly, that this bill would not
8 reduce the ability of people to vote. These folks, on
9 both sides of this debate, most of them good, concerned,
10 every day Texans, are entitled to proof, not assumptions
11 or rationalization or and anecdotes, but actual
12 statistical proof that Senate bill 362 won't target some
13 of our most vulnerable citizens and block them from
14 fulfilling their right and duty.

15 Members, the case was not made, and I
16 deeply believe that whether it's in the Department of
17 Justice or before a federal court, that will be
18 confirmed. There remains only the flimsiest evidence
19 that voter impersonation, the only type of fraud
20 addressed by this bill, even exists. Not counting, not
21 counting 60 year old history and the unverified
22 testimony of a controversial witness for a partisan
23 elections administrator, nothing at all we've heard
24 demonstrates that this is actually occurring any more
25 than anecdotally in Texas. And let's be honest. If



1 someone had the goods on a case that was going to settle
2 this fight once and for all, they probably would have
3 been testifying at some time other than 4 in the
4 morning.

5 It's also far from clear that Senate bill 362
6 will stop whatever irregularities might conceivably be
7 out there. We've heard concerns about absentee
8 ballots. This bill does nothing about them. We've
9 heard about suspicious voter registrations. This bill
10 leaves registration procedures entirely in place.

11 We've been showered with hypotheticals about
12 how much could possibly go wrong if some shadowy figure
13 decided they'd rather steal a voter registration card
14 than an election. Yet we've heard of no instances in
15 memory where our elections failed our democracy because
16 people impersonated voters.

17 Unfortunately, the most significant new
18 information we got last week was that our existing laws
19 haven't been enforced with the rigor, or at least the
20 money that we've all been led to believe.

21 I suppose this debate has provided a service,
22 if all it's done is helped establish once and for all
23 that the Attorney General has not, in fact, spent about
24 a million and a half of a grant battling voter
25 impersonation.



1 I know if there's anything we all share in
2 this chamber, it's a hope that we'll get double checked,
3 typo-free data about what cases are being investigated,
4 what's being spent on them and where they're occurring,
5 even if it means fewer boisterous political
6 proclamations about epidemics. So let's be clear about
7 the record.

8 According to the witnesses, voter
9 impersonation hasn't had any impact on any election at
10 any level at any time in any part of this big state.
11 But none of that matters today. Today isn't about
12 proof. It's not about the law. Today is about
13 politics.

14 We can and we will shoot at this thing until
15 we put holes in the holes, but that doesn't change the
16 numbers in this room and it really doesn't change that
17 one potent question on every political poll that gets
18 waived around like a DNA test in a murder trial. Should
19 people have to show voter identification before they
20 vote? Let's take that head on. It's a very simple
21 question and surely a simple question would have an easy
22 and simple answer, right?

23 Well, every one of you who's tried to fix
24 schools, fix health care, fix property taxes, fix
25 tuition or fix traffic knows that just isn't so, and no



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1 amount of hoping or guessing is going to turn this bill
2 into an adequate answer to this question. I wish this
3 bill did what some say it does. We all do. Every
4 single one of us on this floor wishes we could end all
5 voter fraud and maintain full access to voting without
6 costing the state or the counties a single dime. But if
7 that bill exists, members, this one sure isn't it. This
8 one isn't it.

9 So let's talk for a minute about what we would
10 be working on if we were actually serious about this.

11 Just for fun, let's think about solutions that
12 aren't partisan gut checks but actually go after the
13 cheaters without harming legitimate, conscious voters.
14 We could and we should increase penalties on every
15 criminal on every side who tries to influence the
16 outcomes of our elections. We could seal shut whatever
17 loopholes people have found to get documents they need
18 to register falsely. We could empower election judges
19 to crack down on people they know are cheating without
20 harming those who aren't. We could follow the lead of
21 some counties and do a better job of keeping our voter
22 rolls clean. We could develop bold, innovative
23 strategies that expanded registration even while
24 imposing new voting restrictions.

25 We could even have a serious bipartisan effort



1 to figure out how the state, the state which currently
2 bears the full burden of providing voter ID in the form
3 of a voter registration certificate, can add photo
4 identification to its responsibilities and how it can
5 pay for it as cheaply as possible.

6 I favor all of those things. I'd imagine that
7 just about all of you in this room do. We want to stop
8 fraud wherever it exist. We all believe in the sanctity
9 of the voting booth. So how is it possible that voter
10 ID is not just divisive but wrenching? Because in the
11 end, I really don't think it's about the policy of
12 providing identification before voting.

13 This has risen to the top of everything; over
14 property tax relief, over the economic crisis, over
15 health care, over education reform, over tuition and
16 university funding, because it's not like those things.
17 Those are policy questions. This is a political bill
18 being considered in a political place, and there's no
19 clearer demonstration of how obviously political or
20 maybe politically obvious this bill is than the fiscal
21 note.

22 Last week, the folks flew from other states to
23 talk about their voter ID programs and they couldn't
24 stop talking about what a great job they did educating
25 people about what the law meant. They just didn't brag



1 about spending money, they used it in court to justify
2 their actions, but last week, we were told we didn't
3 need any money, and then yesterday, we're told there's
4 now a two million dollar rider for the broad label of
5 voter education. Well, I suppose that's some
6 recognition of this billing's failings but it also
7 highlights those failings. It demonstrates the
8 expediency with which this is pursued. No fiscal note,
9 but it now costs two million dollars. And it reaffirms
10 the lack of data. Why not one million dollars? Why not
11 five million dollars? What does a real appropriate
12 effort cost? And, of course, it also shows the hidden
13 costs if we're wrong. People won't be educated on this
14 new obligation. And of course, that's just the
15 Secretary of State's office.

16 What about DPS? DPS told us last year by
17 giving a free photo identification card to anyone who
18 claims they want it for voting, they would lose \$671,000
19 a year, more than 1.3 million per budget and more than
20 four million every six years out of our highway fund.

21 The methodology's in that bill and everything,
22 more than a half million people have these ID cards. At
23 least half of those would use this voting exemption to
24 avoid having to pay for them. Those folks pay an
25 average of \$15 per card and you have a fiscal impact of



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1 negative four million dollars through 2012.

2 Folks, look it up. House bill 218, 80th
3 session. It's really quite convincing. But this year,
4 the fiscal note informs us that while there could be a
5 revenue loss due to the voting exemption, it is unknown
6 how many people would make the request and therefore
7 unknown the amount of revenue loss that would occur.

8 Members, that is not an answer. In fact, it
9 speaks to the other problems. We don't know how many
10 should or will need the ID, and, of course, it's been
11 pointed out nothing was said about the cost of
12 submitting this for pre-clearance under the Voting
13 Rights Act.

14 This ignorance of basic facts is particularly
15 troubling given Texas has a special burden on voting
16 rights issues. The state earned it with a terrible
17 legacy of intimidation, suppression, and outright
18 violence that hovers darkly over our history. No one,
19 not one of you in this chamber has any desire to go back
20 to those terrible times. I know you love Texas and its
21 people too much to even consider it. But I wonder if
22 you've really studied this bill and made sure that it
23 won't turn us back toward the past.

24 I keep looking and asking and hoping for any
25 data to prove this bill, this bill won't harm the very



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1 voters who ones were explicitly targeted by laws and
2 thugs, those treated so shamefully in a past that's far
3 more recent than the transgressions inside box 13. No
4 one, it seems, knows just what this bill could mean to
5 people who are poor enough, old enough or just plain
6 disconnected enough that they haven't needed to get a
7 driver's license.

8 No one tells us how many Texans don't have a
9 photo ID, what those millions of people may look like or
10 whether they'll be able to meet this bill's requirements,
11 and no one has shown a single study or say for sure just
12 how common it is to have all of these shards of paper
13 that we in this chamber seem to take for granted.

14 No one, frankly, has demonstrated a level of
15 thought and care that gives me any confidence that this
16 bill stands a chance of holding up outside these
17 partisan confines and partisan rules. And that should
18 be troubling to all of us. Because if I'm wrong, and if
19 the will of this chamber is somehow upheld, then this
20 bill will have consequences, and believe it or not,
21 those consequences will have nothing whatsoever to do
22 with politics, games or power. The consequences will
23 play out on decent, hard-working, patriotic citizens who
24 just want to vote but can't find time for yet more
25 hurdles and burdens, let alone those imposed on them by



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1 their own government.

2 We all talk about the sanctity of the voting
3 booth. Well, it isn't a registration card, the judge,
4 the rule book, or even the ballot itself that makes it
5 sacred. It's the person. It's you and me. It's our
6 constituents.

7 In the end, this bill targets far too many of
8 us by declaring a crisis that doesn't exist and adding
9 new burdens that, for some, will be expensive and
10 difficult.

11 This bill makes it harder for honest people to
12 vote. It's wrong no matter what happens today.

13 Thank you, Mr. President.

14 LIEUTENANT GOVERNOR DEWHURST: The Chair
15 recognizes Senator Van de Putte to speak on the bill.

16 SENATOR VAN DE PUTTE: Thank you,
17 Mr. President. Voting is our fundamental right, and as
18 I stand in this chamber, I have the vantage point of
19 looking at the portraits, particularly two who came to
20 this chamber to fight for voting rights and for all
21 civil rights.

22 I look across and I see the portrait of
23 Barbara Jordan, who was the lone vote time after time
24 against measures that would disenfranchise the people
25 that she represented, and I look over in the corner and



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1 I see the portrait of Henry B. Gonzalez, the senator who
2 holds the filibuster record for indeed daring to speak
3 long into the night against the Jim Crow laws.

4 Voting is a fundamental right, the right to
5 choose our leaders and choose the direction of our state
6 and our nation, and would hope that before we place any
7 additional burden on Texans to exercise that right, that
8 we would have just some proof that the problem of voter
9 impersonation actually exists.

10 We know from the testimony that the problem
11 does not exist in Texas. Some of my colleagues are
12 determined to proceed with this mis-guided effort that
13 will have the effect of disenfranchising many Texans.

14 Please bear in mind I know that my Republican
15 colleagues, I don't think they really want this fight or
16 they want to disenfranchise any voter in any of our
17 communities, but it's the effect of the law, not our
18 intentions, that carry the weight of discrimination.

19 Make no mistake, the voter ID laws are part of
20 a national partisan agenda designed to suppress voters.
21 Those voters who happen to be women, happen to be
22 elderly, happen to be minorities and even college
23 students, who, by the way, tend to vote more
24 Democratic.

25 Sadly in Texas, the history of voter



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1 suppression began long before 2009, and it didn't end
2 when the poll tax was abolished or when required
3 literacy tests were discontinued by law.

4 And so I hope you will indulge me while I
5 recount the true efforts of discrimination. In November
6 of 1964, letters were sent to residents in the Rio
7 Grande Valley, both in English and in Spanish, warning
8 them to stay home because if they went to the polls,
9 they could, quote, get arrested for interfering with the
10 election judge.

11 That same year, the Houston Post reported that
12 on election day, that handbills had been distributed
13 only in black and Latino neighborhoods, telling voters
14 that the police would be stationed at polling places to
15 arrest voters who had any outstanding traffic tickets or
16 parking tickets or owed child support payments. This is
17 true, members.

18 In 1982, when Carl Rowe was then running Bill
19 Clements' campaign, the Secretary of State at that time,
20 David Dean, sent local election officials a felons list
21 of voters to be purged from voter rolls, but a federal
22 court forced him to drop the effort when that list was
23 found to include eligible voters, most of them Hispanic
24 and African American, and one of those rolls included a
25 state representative candidate.



1 On election day, that very same year in
2 Dallas, we wonder why 33 African American precincts ran
3 out of ballots as voters waited 4 1/2 hours in line in
4 the rain to vote.

5 That same year, large black and red signs were
6 posted in those precincts in Dallas by five Republican
7 state judges that read, quote, "Do not remove this sign
8 by order of the Sheriff of Dallas County. You can be
9 imprisoned for --" and then they listed six voting fraud
10 offenses.

11 Those were examples of just a few of our past
12 voter suppression tactics designed to scare people away
13 from the polls, but all designed to scare people in
14 Hispanic and African American neighborhoods with a heavy
15 Democratic turnout.

16 (End of CD.)
17
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25



1 IN THE COUNTY OF TRAVIS)

2 STATE OF TEXAS)

3 I, Lynne Rodriguez, Certified Shorthand Reporter in
4 and for the State of Texas, hereby certify to the
5 following:

6 That the CD entitled, "2009 (81R) SB 362,
7 Senate Flr Debate, 2ND Reading,"
8 was transcribed at the request of Anne Wilson, 209
9 West 14th Street, Attorney General's Office, Austin,
10 Texas 78701, and the amount due is \$_____.

11 That the aforementioned CD was transcribed
12 to the best of my ability to hear and understand the
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14 That the transcript was submitted by
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18 I further certify that I am neither
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24 Certified to by me, this 22nd day of
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2009 (81R) SB 362, SENATE FLR DEBATE, 2ND READING, PART
2

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1 SENATOR VAN DE PUTTE: (CD started in mid
2 sentence.)

3 -- in the context of the history of our
4 state, as we defend all Texans' right to vote. We have
5 not won the battle in the Senate today. That was
6 pre-determined the day we set this issue and no other
7 pressing issue as a special order, but I sincerely hope
8 that for those who have been discriminated against and
9 those who will have to show an extra burden here just to
10 cast the right to vote, it is my hope that this voter ID
11 bill, as written, will never become law.

12 Thank you, Mr. President.

13 LIEUTENANT GOVERNOR DEWHURST: The Chair
14 recognizes Senator Gallegos to speak on the bill.

15 SENATOR GALLEGOS: Thank you, Mr.
16 President, members. Two years ago, I came back to
17 Austin against my doctor's orders to stand together with
18 my colleagues to block the passage of voter ID, and on
19 the last day, when we heard the bill and Lieutenant
20 Governor told me that the bill would not be brought up,
21 I told you that I would fight this bad piece of
22 legislation at any cost, and I told you that I would be
23 back if this bill came up again. Well, here I am.

24 It's a shame, members, that it has come to
25 this day. It's a sad day in Texas history when we are



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1 wasting our taxpayer's time and money on a non issue.

2 Texas is first in the country for uninsured
3 people. Home foreclosures are skyrocketing and
4 thousands of young Texans and their families are trying
5 to figure out how to pay for college education. People
6 are still living out of trailers in my district and
7 several of your districts since Hurricane Ike. And
8 members, you know, Texans have some real problems to
9 deal with but voter ID legislation does not solve any of
10 them.

11 Let me read to you what was an editorial in
12 this Sundays Chronicle, and this is coming from the
13 Houston Chronicle, not me. "Texans currently must show
14 a voter registration card or other ID at the polls.
15 This measure would add a photo ID or other
16 alternatives. Democrats call requirements a tactic to
17 intimidate the elderly, the disabled, the poor and
18 minorities who are less likely to vote Democratic into
19 staying away from the polls, thereby shaving off a few
20 points from the total vote.

21 The Republicans call it guarding against voter
22 fraud and impersonation, but on a larger scale, it seems
23 to boil down to an illustration that Republicans in
24 Texas and throughout the United States are fearful for
25 their future political viability and are desperately



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1 trying to regain a power and an identity that has been
2 severely eroded as of late.

3 If that's the case, members -- and there are
4 better, more constructive ways to begin recouping lost
5 ground than throwing their weight around, especially on
6 an issue with as little merit as this one.

7 Chandler Davidson, a Rice sociology professor
8 and an expert on minority voters rights told the
9 Chronicle that the only aspect of voter fraud that voter
10 ID addresses is voter impersonation. The Republicans
11 are offering a solution for a problem that does not
12 exist, he said, and there is no credible evidence to
13 show that there is a problem in Texas or elsewhere, end
14 quote.

15 Colleagues like my colleague Leticia Van de
16 Putte said that General Greg Abbott spent 1.4 million
17 dollars in a crusade against voter fraud that has yet to
18 seen anyone convicted of voter fraud, 1.4 million
19 dollars.

20 Wouldn't Texans like to see this money used
21 more wisely, or at least one conviction come out of
22 this, at least one conviction, Senator Fraser.

23 Now that we are voting on a passage of a bill
24 that no one has seen a fiscal note until we've seen two
25 million dollars that, all of a sudden, come in, which is



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1 sure to cost hundreds of thousands, if not millions, but
2 really who knows, who knows.

3 I mean, when you mandate the voters of this
4 state to have a photo ID, I mean, somebody is going to
5 have to pay. Somebody is going to have to pay
6 something, and if you mandate, if you mandate Texans to
7 go get a photo ID, then what is the state's
8 responsibility? That's a big question, members.

9 If you're going to mandate for a Texas voter
10 to get a photo ID, then the state of Texas is going to
11 be responsible for that person and how to get an ID,
12 whether it's free, whether they have to go to a DPS
13 center, however it is, somebody is going to have to pay
14 on both sides. On the voter's side, I call it a poll
15 tax. You know, members, I think it's time to stop
16 wasting Texans money.

17 The right to vote is most cherished right a
18 citizen could have, and in our nation's history, the
19 right has been denied of many.

20 Just last week, we heard of Leticia's story
21 that this was not an uncommon practice. In the fight to
22 open the doors of a voting booth, there was a long
23 struggle and I thought we were passed this.

24 Members, let me -- you know, some of the fears
25 that I've heard about voter impersonation and somebody



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1 going to the polls and saying who they're not -- trying
2 to impersonate somebody, I mean, we've got illegal
3 immigration coming from Canada, from Europe, from Asia
4 and from Latin America.

5 You know, I would -- You know, let me walk you
6 through of some of the fears that I've heard on the
7 other side. You know, you got somebody, let's say, for
8 example, from Mexico coming across the border. It's
9 going to take him or her at least, you know, maybe two
10 weeks to get across. He or she has got through the
11 brush, through the mesquite, eating Spam and sardines
12 and crackers, water, whatever, you know, whatever they
13 could drink, and then going through that for at least a
14 month or two months to get to Houston or Dallas or San
15 Antonio.

16 After two months, I mean, blood, sweat, going
17 through that fields and all that, here's what the fears
18 that I'm hearing on the other side. You think that that
19 person is going to wait for the first election and go to
20 the polls and try to vote and try to impersonate a
21 voter? I don't think so. I mean, just going through
22 all of that, all of that blood, sweat and tears just to
23 go stand in line and try to impersonate a voter.

24 You know, when I first got elected to the
25 House in '91, you know, I went to the floor. The only



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1 ID I had was my driver's license, and when I got to the
2 door, they stopped me and asked me, "Well, where are you
3 going?" And I said, "Well, I'm going to my seat there
4 in the House of Representatives. My seat is inside."
5 Well, they made me wait. They made me wait until, until
6 that I said -- until they confirmed that, you know, who
7 I was, and then finally, with my family with me, they
8 let me go in. And you know, I said, "Well, it's 150
9 members, I'm new," didn't think anything about it and
10 just went to my seat.

11 Well, four years later, I got elected to the
12 Senate and, you know, here I am with my family coming to
13 the Senate door. The only ID I had on me was my
14 driver's license. I had to wait. They said, "Where are
15 you going?" "I'm going to my seat on the Senate floor.
16 I got elected," you know, and they said, "Well, wait a
17 couple of minutes." So I had to wait for them to
18 confirm that I said who I said I was, you know, as far
19 as ID, that the picture on my driver's license was a
20 picture of the ID that they had in me in the back.

21 So, you know, if they're going to stop me at
22 the door after I got elected in the House and I got
23 elected in the Senate and they're asking me who I am.
24 If I'm saying on who I am, they got to confirm me here
25 right outside these doors, then how do you think those



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1 people are going to feel out there when they know
2 they're U.S. citizens and they're going to go to the
3 voting booth and the election judge is going to tell
4 them well, "Well, we need this ID, this ID and this
5 ID." Well, obviously, when you're going to challenge
6 somebody and tell them that they are not who they say
7 they are and they know they're a U.S. citizen, you know,
8 you might get some violence, I don't know. You know,
9 when you challenge me, I'm going to challenge, you know,
10 if I know that I'm a U.S. citizen.

11 And then, you know, how are they going to
12 react? You know, Senator Fraser, the only amendment
13 that you left off was back in the Jim Crow days. If
14 you're going to have -- if you're going to do voter
15 suppression, do it right. You know, put German
16 Shepherds and a fire hose there, and if I go -- if
17 somebody goes there and they're impersonating a voter,
18 well then throw the dogs on them and, you know, throw
19 the hose on them.

20 You know, that's what this bill is all about.
21 You know, I think that, you know, when you really look
22 at it, it's voter suppression any way you call it. Like
23 Leticia said, back to the Jim Crow, George Wallace
24 days. It's a shame, it's a shame that we got down to
25 this, and, you know, I hope when you vote, members, when



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1 you vote on this bill, just think about that. Think
2 about that, when they stop me here at the door, not only
3 in the house but in the Senate. Thank you.

4 LIEUTENANT GOVERNOR DEWHURST: Senator
5 Gallegos, this is somewhat unusual for me to say, but I
6 do not get involved in floor debates, but you did make a
7 comment at the beginning of your remarks that I know was
8 unintended on your part. You made reference to me, and
9 I believe that if you will remember, each time in the
10 2005 session you asked me not to bring up the bill,
11 either you were going down to Houston for your surgery
12 or on days you specifically asked me, I satisfied your
13 request, and so I think you probably mis-spoke --

14 SENATOR GALLEGOS: No, no, no, I'm
15 talking about the night, the last night when you came to
16 my desk, you said, "Senator, go on home. We're not
17 bringing the bill." That's what I was talking about.

18 LIEUTENANT GOVERNOR DEWHURST: Yes, and I
19 tried to -- You were sick. I didn't want you -- I told
20 you that you needed to go home and that we would not
21 bring up the voter ID.

22 SENATOR GALLEGOS: That's what I was
23 referring to.

24 LIEUTENANT GOVERNOR DEWHURST: Thank you,
25 Senator.



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1 I'm going to pause for a moment. Senator
2 Huffman would like to do an introduction.

3 SENATOR HUFFMAN: Thank you very much for
4 accommodating me, Mr. President. And members, I'd like
5 to -- I have a special introduction today. We have some
6 special guests in the gallery, and they are UTMB medical
7 students. There's nearly a hundred here who have come
8 today from Galveston. They got up early this morning to
9 join us in Austin. They are from the school of
10 medicine, nursing, health professions and biomedical
11 sciences, and they come from many districts throughout
12 Texas, so many of your constituents are here in the
13 gallery this morning.

14 UTMB is a mark of excellence. For the past
15 three years, UTMB medical students have led the way with
16 the highest board scores out of any Texas public medical
17 school. Nursing students have an average pass rate of
18 98 percent on licensing exams, and the Rehab Sciences
19 and Physician Assistant programs are both ranked in the
20 top ten nationally.

21 As you look at each student, be reminded of
22 the resilience of UTMB. Every UTMB student suffered
23 from Hurricane Ike. Many students lost their homes and
24 everything they owned, but this did not deter them from
25 continuing their education since UTMB stops for no



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1 storm.

2 They are -- Look at these young people up
3 here. These are going to be the people that are going
4 to be taking care of us in our old age. I know you want
5 to support them and support UTMB. I'm going to ask you
6 them to all stand up and if we could give them a warm
7 welcome to the Texas Senate. Thank you.

8 (Clapping.)

9 LIEUTENANT GOVERNOR DEWHURST: Thank you,
10 Senator Huffman.

11 The Chair recognizes Senator Ellis for an
12 introduction.

13 SENATOR ELLIS: Thank you,
14 Mr. President. I have some guests here today from my
15 district and across the state. These are young people
16 who are active with Teach for America. This is Teach
17 for America day at the capital, Senator Shapiro, and
18 obviously, they're going to be visiting with you and
19 other members about some of the fine things they've
20 done. If I might, they had read a resolution earlier, I
21 won't read it, but I just want to tell you a little bit
22 of history about Teach for America in case some of us
23 have forgotten.

24 Wendy Kopp proposed Teach for America's
25 creation when she was an undergraduate at Princeton



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1 University. It was an undergraduate thesis during her
2 college year. She was convinced that many in her
3 generation was searching for a way to assume a
4 significant responsibility that would make a real
5 difference in the world and the top college students
6 would choose teaching over more lucrative opportunities
7 if a prominent teacher core existed. So as a 21 year
8 old, Kopp raised 2.5 million dollars in start-up money,
9 hired a skeleton staff and launched a grass roots
10 recruitment campaign.

11 During Teach for America's first year in 1990,
12 500 young men and women began teaching in six low income
13 communities across the country.

14 Since then, Teach for America's net worth has
15 grown to 20,000 individuals. They've become the
16 nation's largest providers of teachers for low income
17 communities and have been recognized for building a
18 pipeline for leaders to educational equity and
19 excellence all across our country.

20 Nationally, more than 60 percent of the cores
21 members continue to work in education, including the 360
22 school leaders that many of us know about. Currently,
23 there are almost 600 core members that are working
24 across the great state of Texas and they reach more than
25 50,000 students.



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1 I know that Erica Lee is active with them. I
2 was looking for them earlier. I just want all you all
3 to stand, and members, would you please welcome and
4 recognize these young people. I hope my daughter
5 becomes one as well.

6 (Clapping.)

7 LIEUTENANT GOVERNOR DEWHURST: The Chair
8 recognizes Senator Shapiro. Do you wish to speak on the
9 introduction?

10 SENATOR SHAPIRO: Please. Thank you.
11 Members, I absolutely say ditto to everything that
12 Senator Ellis just said. These are the best and the
13 brightest and they have chosen, and I mean chosen, to
14 participate in Teach for America. We are so fortunate,
15 and the problem has been we've only had some in the
16 state of Texas and they've mostly been in the Houston
17 area, so they're now branching out and coming to the
18 Dallas area, and we hope that as time progresses, we'll
19 have them all over the state of Texas.

20 This is a great, great organization and I hope
21 you all recognize and realize how important and valuable
22 this program really is. Thank you, Senator Ellis, for
23 bringing it to the floor.

24 LIEUTENANT GOVERNOR DEWHURST: The Chair
25 recognizes Senator Hegar to speak on the bill.



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1 SENATOR HEGAR: Thank you, Mr. President,
2 members. I just wanted to make a couple points because
3 I've heard several of the statements earlier today, and
4 I know when we had the very long hearing the other
5 night, we had a lot of numbers being thrown out about
6 the amount of expenditures from the Attorney General's
7 Office, the number of convictions, the number of guilty
8 pleas, because we've talked about how difficult it is to
9 prosecute cases of voter fraud.

10 We all talked about how difficult it was;
11 witnesses, all the witnesses were consistent on that
12 point, and I just wanted to make sure everybody was
13 clarified that the actual number of expenditure wasn't
14 the 1.4 million, it was actually \$697,000, and that's
15 for 30 individuals or 30 indictments.

16 Of those 30 indictments, 23 have either been a
17 guilty plea or a conviction. One of those convictions,
18 as I mentioned the other night, and I forget at what
19 point in the night I mentioned it, was a constituent of
20 mine from Port Lavaca, where actually the outcome of the
21 election was changed because of the fraud that went on.
22 And so I wanted to make sure we all were aware of those
23 numbers and make sure we heard all those, because I
24 think it's important the record was set straight the
25 other night, and I think it's important that we make



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1 sure it's set straight as well today.

2 I also wanted to mention that sometimes --

3 Try being a member in my shoes, a member who,
4 Dean, you entered the Senate, the House many years ago.
5 You looked a little bit younger, maybe had a little full
6 hair like I do today, and I'll tell you, when I go to
7 the Senate chambers, there's been times that Riggs has
8 had to correct people, said, "No, he's actually a
9 senator. He does get to walk onto the Senate floor."
10 The other day I went to the House and I got stopped
11 because the guy said, "Wait, who are you? You're going
12 on to the House floor. You don't have permission to
13 go."

14 "Well, I'll get out my ID and I'll show you or
15 you just take my word. I'm Senator Glen Hager." So
16 sometimes the youthful look can have those problems as
17 well. Also, Dean, I'll let you know, I didn't vote for
18 President Jimmy Carter. Actually I was too young and I
19 wasn't able to vote in that election, so I just wanted
20 to make sure. I didn't know if anyone else would tell
21 you who voted back then, but I didn't. I didn't have
22 the opportunity.

23 So my point is just making sure the record is
24 straight. So with that, thank you all members. I just
25 think it's important that we know the actual number of



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1 convictions that have occurred. There has been 23 and
2 one of them was a constituent of mine who actually did
3 change the outcome of that election. Thank you.

4 LIEUTENANT GOVERNOR DEWHURST: The Chair
5 recognizes Senator Shapleigh to speak on the bill.

6 SENATOR SHAPLEIGH: Thank you,
7 Mr. President, members. I want to share with you the
8 story of David Iglesias, the former Republican U.S.
9 Attorney for New Mexico, because I think his story and
10 his firing give context and reveal to us here today the
11 real story behind what you, Senator Fraser, call voter
12 ID.

13 Iglesias was appointed by George Bush in
14 August of 2001 and became embroiled in one of the
15 largest scandals ever to hit the United States
16 Department of Justice. Soon after his appointment,
17 Iglesias came under intention pressure from Pete
18 Domenici, Heather Wilson, the Department of Justice and
19 White House to take action on alleged voter fraud in New
20 Mexico.

21 In 2004, Patrick Rogers, a Republican
22 operative in New Mexico sent an e-mail to Iglesias that
23 said this, quote, "I believe the voter ID issue should
24 be used at all levels, federal, state, legislative
25 races. You are not going to find a better wedge issue."



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1 Soon thereafter, based on e-mails, calls and
2 letters from DOJ, Republican office-holders and the
3 Republican party, David Iglesias did the right thing.
4 He set up a task force in 2004 to investigate the scope
5 of voter fraud in New Mexico. He included local, state
6 and federal law enforcement and both Democratic and
7 Republican officials.

8 After reviewing over a hundred cases, he and
9 his task force concluded there were no prosecutable
10 cases of voter fraud and refused to bring charge where
11 there was no evidence to support it.

12 In a PBS interview, David Iglesias said he was
13 not willing to engage in unlawful activities. Those
14 were his words, to prosecute cases that just weren't
15 there.

16 Let me emphasize this point. David Iglesias
17 was a loyal Bush appointee, a Republican who had
18 previously run for statewide office, and could not find
19 evidence of voter fraud in the state of New Mexico. He
20 let DOJ and the White House know that he would not
21 prosecute these cases because they did not exist, and
22 for that, David Iglesias was fired. His determination
23 to stick to the law and his values got him fired.

24 Later, when asked how he would characterize
25 using United States Attorneys to benefit a particular



1 political party at the polls, Iglesias said this, "It's
2 reprehensible, it's unethical, it's unlawful. It very
3 well may be criminal, and I know it's a marked departure
4 from prior administrations, both Republican and
5 Democrat, who understood that U.S. Attorneys, as chief
6 federal law enforcement officials, have to stay out of
7 politics."

8 When asked why he thought he was fired,
9 Iglesias said this. "For eliciting partisan political
10 reasons. Specifically, not coming up with voter fraud
11 cases, number one. And number two, not rushing forward
12 indictments involving prominent Democrats during the
13 election cycle."

14 When asked about the motivations of those
15 pushing voter fraud indictments, he said that their
16 motivations, quote, "Were clearly partisan." There
17 appears to be a growing body of evidence that suggests
18 there's voter suppression going on throughout the
19 country.

20 The investigation into the firing of David
21 Iglesias and eight other U.S. Attorneys continues to
22 this date. Just two weeks after, Karl Rove, who is
23 actively involved in these U.S. Attorneys cases, agreed
24 to testify before Congress under oath regarding his
25 role, and coincidentally, the first witness for the



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1 proposition in Texas that we need a voter ID bill was
2 Hans von Spakovsky, who himself was part of that DOJ.

3 Fast forward to last session when House bill
4 218, a predecessor to this bill, was passed in the
5 House. In a column he wrote at that time for the Quorum
6 Report, Royal Masset, who for 15 years was a political
7 director for the Republican party of Texas, stated in
8 writing this: "Voter ID is a direct descendent of poll
9 taxes and of allowing only white male property owners to
10 vote. In its effect, it is racist, barbaric, anti-
11 Democratic and contrary to everything that made America
12 great."

13 Mr. Masset said that requiring photo IDs could
14 cause enough of a drop-off in legitimate Democratic
15 voting to add three to five percent to the Republican
16 vote, and really, that's what this bill is all about.

17 In 2005, the census announced that Texas had
18 joined Hawaii, New Mexico and California as the only
19 majority minority states. By 2035, Texas state
20 demographer predicts that Hispanics will make up the
21 majority ethnic group in Texas.

22 In my district, this bill is about Maria
23 Lopez, 70 years of age, who cleans offices. She's never
24 had a driver's license, never needed one, and when she
25 is asked for one, or a birth certificate, or a pilot's



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1 license, or any of the documents listed in Senate bill
2 362, she won't have them, because the time and expense
3 to go get one are too much for a lady who works 60 hours
4 a week at minimum wage; so she won't vote. And keeping
5 her home is what this bill is about.

6 As Mr. Masset stated yesterday in the Dallas
7 Morning News, Hispanics should take this personally
8 because it is aimed at them.

9 This bill is about Republicans scaring off
10 just enough elderly, disabled, blacks and Hispanics to
11 stay in power four more years, plain and simple. Thank
12 you, Mr. President.

13 LIEUTENANT GOVERNOR DEWHURST:

14 Mr. Doorkeeper?

15 DOORKEEPER: Mr. President, there is a
16 message from the House.

17 LIEUTENANT GOVERNOR DEWHURST:

18 Mr. Messenger.

19 MESSENGER: Mr. President, I am informed
20 by the House to direct the Senate the House has taken
21 the following actions: The House has passed the
22 following measures: HCR 97 by (Inaudible), and German
23 Exchange student Carolyn Bosch on the occasion of her
24 occasion of her visit to the state capitol on March 16th
25 and 17th.



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1 LIEUTENANT GOVERNOR DEWHURST: The Chair
2 recognizes Senator West for an introduction.

3 SENATOR WEST: Thank you very much,
4 Mr. President. Mr. President, arise to recognize Pastor
5 Anthony Noland with the Paradise Missionary Baptist
6 Church and a group of 12 young men ages 9 to 17 in the
7 gallery, and I'd ask them to be stand to be recognized,
8 and I'd also ask us to welcome them to their state
9 capitol.

10 (Clapping.)

11 LIEUTENANT GOVERNOR DEWHURST: Senator
12 Williams. The Chair recognizes Senator Williams to
13 speak on the bill.

14 SENATOR WILLIAMS: Thank you,
15 Mr. President. Members, today I stand in support of
16 Senate bill 362. In the course of this debate, there
17 have been many concerns that have been raised about the
18 voter impersonation and whether or not that really
19 occurs.

20 Many of you, in fact, most of the folks who
21 have spoken so far today would argue that voter
22 impersonation does not occur. I disagree. I have here
23 in my hand four newspaper articles, two from the Monitor
24 in Progresso, about a story in Progresso, and another
25 from the Rio Grande Guardian. These four newspaper



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1 articles that are dated March 9th, March 14th, for the
2 Monitor, and March 10th and March 16th for the Rio
3 Grande Guardian, reference voting irregularities in the
4 Progreso Independent School District with a school
5 board election.

6 This prompted me to make an open records
7 request of the Attorney General, and I have, as a result
8 of that open records request, signed, notarized
9 affidavits demonstrating that voter impersonation does,
10 in fact, occur in Texas.

11 Following the May 4, 2008 election conducted
12 in the Progreso Independent School District, several
13 citizens and non-citizens attested that various
14 individuals had perpetrated numerous forms of voter
15 fraud, including voter impersonation. I'd now like to
16 read some excerpts from these affidavits, these sworn
17 affidavits, and I'm going to introduce them into the
18 record.

19 The first is from Mr. Torres, and in his
20 affidavit, he attests to the following. "On Monday,
21 April the 28th, 2008, I was brought to the Progreso
22 Independent School District site by Lorenzo Castillo,
23 who handed me a voter registration card to participate
24 in the elections. He stated that they would pay me to
25 go vote for Juan Ramos, Michael Villa and David



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1 Hernandez. I proceeded to go in and cast the vote with
2 the registration card that belonged to Alfredo Medrano.
3 After I went in to vote, I was paid \$10 by Jose
4 Guadalupe Villa at the time -- and at this time,
5 Mr. Lorenzo Castillo took the card from my possession."

6 We also have an affidavit from Abigail Enfante
7 and Marciella Enfante, who were both poll watchers. In
8 their affidavits, these women both attest that on April
9 28th, around 2 p.m., a voter by the name of Jimmy
10 Vasquez went in to vote with a voter registration card
11 in the name of Juan Pablo Maldono. Priscilla, the
12 clerk, told him, "You're not Juan Pablo Maldono, you're
13 Jimmy Vasquez." Then he answered, "Yes, I am." He was
14 asked to present ID and he turned around and walked out.

15 Members, but for the fact that this poll
16 worker recognized Mr. Vasquez and realized that he was
17 not who he claimed to be, he would have been allowed to
18 vote and his vote would have counted in this election.

19 There's another affidavit by Jessica Rongel,
20 and in her affidavit, she attests that Mr. Guadalupe
21 Villa asked her to recruit a friend to vote and that her
22 friend would be provided with a voter registration
23 card. And Jesus Vasquez, in his affidavit, attests that
24 he did not exercise his right to vote in the Progreso
25 school board elections on May 10th and that someone used



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1 his identity to vote in the election and appeared in
2 person at the early voting site.

3 And finally, an affidavit from Andrea Peña,
4 and in her affidavit, she attests, "Mr. Oscar Villa
5 forced me to vote with another person's voter
6 registration card when I very clearly told him I could
7 not vote because I'm not a citizen of the United
8 States. He said it wasn't a problem; all I had to do
9 was go to the park in Progreso and he would give me a
10 voting card. He told me that if I helped him, he would
11 fix my legal problems, referring to how he'd help me so
12 that they wouldn't take away my children."

13 "When I arrived at the park, he gave me the
14 card of Mrs. Maria de los Martinez, and proceeded to
15 tell me that someone inside there was waiting to help me
16 and that I shouldn't forget the names he had given me.
17 When I entered the voting building, a young man who was
18 one of those acting judge entered the booth with me and
19 voted for me."

20 Members, these affidavits demonstrate that
21 in-person voting fraud is very real. It happens. It's
22 happened just a few weeks ago or a few months ago in the
23 Progreso Independent School District election.

24 These affidavits are also supported by the
25 testimony of Mr. Ed Johnson, who's an employee of the



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1 Harris County Tax Assessor collector, and voter
2 registrar Leo Vasquez. If you will recall, last week
3 Mr. Johnson testified that a variety of voter fraud had
4 occurred in one of our states most populous counties,
5 including the casting of vote by people who were not
6 alive.

7 Not only does voter fraud, in-person voter
8 fraud occur, but Texas has a legitimate interest in
9 deterring and detecting this voter fraud. As Justice
10 Stephens remarked in the majority opinion in Crawford v.
11 Marion County, there is no question about the legitimacy
12 of the importance of our state's interest in counting
13 only the votes of eligible voters. The interest in
14 ordinarily administration and accurate recordkeeping
15 provide a significant justification for carefully
16 identifying all voters participating in the election
17 process.

18 Members and ladies and gentlemen who are with
19 us here today, we as elected officials have a duty to
20 protect the integrity and legitimacy of representative
21 government. As the report of the Commission on Federal
22 Election Reform that was chaired by former President
23 Jimmy Carter and former Secretary of State James Baker
24 observed, Americans are losing confidence in the
25 fairness of elections. And while we do not face a



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1 crisis today, we need to address the problem of our
2 electoral system. The electoral system cannot inspire
3 public confidence if no safeguards exist to deter or
4 detect fraud or to confirm the identity of voters.

5 We must have an electoral system that inspires
6 confidence. We must prevent fraud and we must prevent
7 the disenfranchisement of legitimate votes. Members, I
8 ask you to join me in voting "I" for Senate bill 362.

9 Mr. President, I would also move that my
10 remarks be reduced to writing and placed in the record
11 and I would like to include as a part of my remarks
12 these sworn affidavits that I made reference to in my
13 remarks.

14 LIEUTENANT GOVERNOR DEWHURST: Members,
15 you have heard the motion by Senator Williams. Is there
16 any objection to the inclusion of the remarks by Senator
17 Williams and the affidavits in the record?

18 Senator Shapleigh, for what purpose do you
19 rise, sir?

20 SENATOR SHAPLEIGH: Mr. President, I
21 don't have any objection to it but I'm hoping that we
22 put everyone's remarks in the record so we have an
23 accurate record of what took place on this bill here
24 today. I'll make that motion at the appropriate time.

25 LIEUTENANT GOVERNOR DEWHURST: You've



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JA_005589

1 heard the motion by Senator Williams. Is there any
2 objection from any member?

3 The Chair hears none and the motion is
4 adopted.

5 SENATOR SHAPLEIGH: Thank you,
6 Mr. President.

7 THE COURT: If you hold just for a
8 minute. There's a motion by Senator Shapleigh to
9 include --

10 SENATOR SHAPLEIGH: I would make the
11 motion that we include everybody's comments to this bill
12 to the culmination of the bill, including all the
13 exhibits and the discussions that were had on any of the
14 votes.

15 LIEUTENANT GOVERNOR DEWHURST: Let's hold
16 on that until, until engrossment, and then we'll include
17 all of it.

18 SENATOR WILLIAMS: Thank you.

19 LIEUTENANT GOVERNOR DEWHURST: Thank you,
20 Senator Williams.

21 SENATOR WILLIAMS Mr. President, do I
22 still have the floor?

23 LIEUTENANT GOVERNOR DEWHURST: Yes.

24 SENATOR WILLIAMS Okay. in light of the
25 motion that's coming in a few moments, I would just also



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1 like to correct the record. There was a statement made
2 earlier by Senator Gallegos that the Attorney General
3 spent 1.4 million dollars investigating voter fraud, and
4 respectfully, I would direct the body's attention to our
5 testimony in committee, which conclusively demonstrated
6 that that is not case the case. With that, I'm done
7 with my remarks for today. Thank you.

8 LIEUTENANT GOVERNOR DEWHURST: Senator
9 Lucio, for what purpose do you rise?

10 SENATOR LUCIO: To speak against the
11 bill, Mr. President.

12 LIEUTENANT GOVERNOR DEWHURST: You're
13 recognized.

14 SENATOR LUCIO: Thank you, Mr. President,
15 and I will be brief. Members, I rise only because
16 Senator Williams brought up my district, and I did turn
17 in, and it was noted as one of the exhibits back when we
18 met as the committee as a whole. I'd like to read the
19 letter from our District Attorney down in Hidalgo
20 County, one of the biggest counties in the state, as
21 Senator Williams mentioned, and it states, "To the
22 Senate Committee of the Whole, Voter Identification
23 Legislation," and it reads as follows. "Allegations of
24 a few cases of voter impersonation occurring in Hidalgo
25 County during 2008 came to my attention on Thursday, May



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1 the 5th, 2009 by several members and staff members in
2 the Texas legislature. Apparently they were obtained
3 from the Texas Secretary of State's office, who, along
4 with the Office of Attorney General, have been in
5 possession of this evidence for awhile."

6 "Without discussing the details of allegations
7 currently pending, I can tell you that I believe that
8 there is a problem with compliance with the law. It
9 lies more in the quality of the administration of
10 elections than in law itself. The irregularities have
11 seen -- we have seen occur mostly in non-partisan local
12 elections of small governmental entities such as school
13 districts, water districts and municipalities, some of
14 which decline to contract the administration of their
15 elections to the contract election administrator's
16 office."

17 "This has, in the past, led to questions. If
18 I were to recommend an amendment to the Texas Election
19 Code, it would not be to increase burdens placed on
20 honest voters attempting to cast their ballots, but
21 instead, to further professionalize the administration
22 of elections by requiring small governmental entities to
23 contract with their counties elections administrator
24 instead of administering those elections themselves."

25 "Further, I would require the Secretary of



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1 State and/or the office of the Attorney General to very
2 quickly forward to local district or county attorneys
3 the irregularities of which they have credible evidence
4 so that we can investigate those incidents and prosecute
5 them when the evidence suggests a violation of the
6 law."

7 "Thank you very much for the opportunity to
8 share my views. Respectfully, Rene Guerra, Criminal
9 District Attorney, Hidalgo County, Texas."

10 Members, I share this letter with you because
11 Mr. Guerra was not able to be here last week when we had
12 the committee as a whole, and it's important for you to
13 hear from a gentleman that has served that county for
14 two decades in these matters that we're dealing here
15 today, so I ask you to understand that there's not
16 widespread voter fraud in that county, especially at a
17 higher level.

18 As I mentioned, in some local units of
19 government, there has been some discrepancies, but
20 certainly we will be working to try to, you know,
21 address those issues.

22 Thank you, Mr. President.

23 LIEUTENANT GOVERNOR DEWHURST: Thank you,
24 Senator Lucio.

25 The Chair recognizes Senator Ellis to speak on



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1 the bill.

2 SENATOR ELLIS: Thank you, Mr. President,
3 and members, I'll be as brief as I can be. Obviously
4 both sides have put together a pretty good record on
5 this piece of legislation but there are a couple of
6 point I do want to make. I don't know if I made them
7 before or not.

8 Chairman Fraser, this is the 64th day of a 140
9 day legislative session. I just want to reiterate to
10 you and all of the members that on our opening day,
11 obviously a decision was made to change the rules so
12 that this bill could come up.

13 Now at an unprecedented time in our history,
14 with all of the problems, economic problems that we have
15 in this country and around the world, the most important
16 thing some would have us believe in Texas, Senator
17 Fraser, is this voter ID bill.

18 Now clearly, the votes are there, because you
19 only need 16 to pass it, so I guess I don't have to give
20 a real long speech, but I do want to point out to you
21 that as important as it is to some that you are on the
22 right side of the politics on this issue, because
23 there's a drum beat in the base of your party to try to
24 get this bill passed. For you, for your sake, I'm glad
25 you are going to go ahead and get it out of here early



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1 because you're certainly on the wrong side of history,
2 and at least for the remainder of this session, maybe
3 we'll be able to focus on issues that really matter to
4 people.

5 It's interesting, when the witnesses came in,
6 I didn't see some of the titans of election opportunity
7 from Texas. Our experts come in and served as resource
8 witnesses. Now based on some of the way their questions
9 were answered, it looks like some of those people bought
10 their tickets at the last minute to get in here because
11 they certainly weren't very prepared.

12 It's interesting this bill does not cover mail
13 balloting. It's interesting it doesn't cover it because
14 most of the fraud that has been discussed on this floor
15 or allegations of fraud have been instances where it has
16 involved mail-in balloting. Now if you were to guess,
17 if you can't guess, just go ask some expert in either
18 party, who's more apt to benefit from mail-in
19 balloting. Are people more educated, are they more high
20 income? Do they tend to be more from the Democratic
21 party or the Republican party?

22 We had a little interesting lesson in
23 history. We heard a lot about President Jimmy Carter,
24 Secretary of State James Baker. We didn't have a clear
25 idea of where HAVA came from. The Help America Vote Act



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1 was passed because of the debacle in Florida, that
2 regardless of which side any of us in this chamber may
3 have been on the issue, you couldn't help but be
4 embarrassed when developing countries were saying Jimmy
5 Carter needs to put together an election time and
6 monitor the elections in America, particularly in
7 Florida. That was a comprehensive piece of legislation,
8 Senator Fraser. You passed out the recommendations.
9 It's a great set of recommendations. Even the summary
10 is only about eight pages. But what has happened here,
11 with the Help America Vote Act and with the Carter/Baker
12 Commission, has been to do a little cherry-picking.

13 This bill is an attempt to pull out the part
14 of that recommendation from HAVA, Help America Vote Act,
15 and the Carter/Baker Commission that tends to benefit
16 one party over the other and one group of people over
17 the other. That's the reason why Texas was put under
18 the Voting Rights Act.

19 Hey, it's not a partisan comment when I make
20 it. Democrats controlled this chamber when Lyndon
21 Johnson signed the historic Voting Rights Act. Leticia
22 made reference to my predecessor over here on the Senate
23 wall, when Senators and Congressman Jordan added Texas
24 to the Voting Rights Act, it was a bilingual amendment
25 of all things. It just didn't put Texas in but other



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1 states, because even President Johnson didn't want to
2 admit that there were problems in the Lone Star State.
3 He wanted to believe that in his political lifetime, the
4 adoption of states rights, I guess, Texas would clean it
5 up on its own. We didn't and we still haven't.

6 We ought to really take a deep breath and
7 pause, and hope when it gets over to the House side,
8 that they exercise better judgment than us. Hey, I
9 could read the political tea leaves. I know you're
10 concerned at the voting rights department that the
11 Justice Department won't pre-clear this piece of you
12 know what that's going to pass here today. So I suspect
13 that there will be an attempt. I heard the rumor mill
14 says you just bypass the Justice Department and go to a
15 three judge panel in Washington D.C.

16 One of your witnesses testified, nice young
17 man, nice young man, but interesting. All of those
18 career professionals in the Justice Department who've
19 been under there under Democrats as well as under
20 Republicans, Troy, resigned because the career
21 professional said Georgia's voter identification
22 suppression will shouldn't be pre-cleared. That's what
23 the professionals said. That gentleman that you had
24 testifying here the other day overruled the career
25 professionals and they eventually quit. I mean, part of



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1 his resume indicated he was on the Federal Elections
2 Commission. He was. Never got approved because his
3 history came back to haunt him.

4 We're making a serious mistake today. More
5 than anything else, we ought to be worried about Texas
6 being 46th among the 50 states in the country in terms
7 of number of people who show up to vote.

8 Last cycle, 54.7 percent voter participation
9 rate, voter participation rate in Texas in 2008. Part
10 of that Carter/Baker Commission recommends a lot of
11 common sense approaches like election day registration.
12 That's probably why Minnesota has a 78 percent
13 participation rate; Wisconsin 72; Maine, 71. Even New
14 Hampshire, without election day registration, they have
15 71 percent. Colorado, 69; Iowa, 69; Michigan, 68;
16 Alaska, 68. You made the comment on the floor the other
17 day during the committee of the whole meeting that
18 election rates had gone up in those states, those that
19 had passed a voter identification bill.

20 I would make the argument to you maybe
21 election rates went up because the people were angry
22 because that bill did pass in Georgia and Indiana, and
23 tell you you might be surprised what happens this next
24 go around.

25 The last comment I want to make. There's been



1 a lot of talk about what we do in Texas today and other
2 states that have some version of voter identification.
3 Just so members would know what happens now, somebody
4 made the comment that about 24 states have some form of
5 photo ID. I want to make it very clear what happens in
6 America today.

7 This is according to the Pugh Center on
8 states. Only three states require a photo
9 identification; Florida, Georgia and Indiana.

10 Florida, the same state that was the impetus
11 for creating the Carter/Baker Commission and the Help
12 America Vote Act. Georgia and Indiana. Another four
13 request it, don't require it but they request it.
14 Hawaii, Louisiana, Mississippi and South Dakota. 18
15 states require ID, photo or non-photo ID, for all
16 voters. Texas is one of those states, along with a
17 number of our neighboring states, Alabama, Arkansas,
18 Arizona, Colorado, Connecticut.

19 The short of what I want to say is, when this
20 bill passes out of this chamber today, the House sponsor
21 has been here a good part of the debate today and he was
22 here when we started to debate on this bill.

23 Hopefully, they'll take the time, look at the
24 pause button, which we didn't do on this side, and
25 either take this bill and clean it up, address all of



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1 those issues, like same day registration, election day
2 registration. Hey, if you really want to do something
3 about voter fraud in all those instances you talked
4 about, well, do something about mail-in ballots. If
5 you're really serious about impacting, how to make sure
6 people have faith in electoral system, disenfranchising
7 one group of people, any group of people as opposed to
8 another one is not the way to do it.

9 Troy, you made the comment to me, "Who would I
10 know that couldn't fit into one of these categories that
11 you laid out?" Don't have a hunting license. If you
12 don't have a hunting license, you could have a library
13 card. You could cast a professional ballot. You didn't
14 know the process on how it would be counted, so I even
15 suggested one. Your witnesses never answered that
16 question. The people who don't have a library card
17 oftentimes the people who cannot read, which is why they
18 don't have a library card.

19 People who don't have a utility bill
20 oftentimes are people who don't have utilities. People
21 who don't have a phone bill are probably people who
22 don't have a phone. There are people, they may not come
23 in this chamber, they may not be people that we run into
24 and have a conversation with every day, Chairman Ogden,
25 but those people exist not just in my district but in



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1 your's as well and every member on this floor. They're
2 the folks, when you got up this morning, were catching
3 the early bus and didn't have to have an identification
4 card to get on that bus. They're going to work the jobs
5 that we don't have to work because we're privileged, and
6 I'm saying in this body, we ought to be as concerned
7 about those people who have the least among us as we are
8 concerned about those people who are more apt to vote
9 for or against us. Thank you.

10 LIEUTENANT GOVERNOR DEWHURST: Senator
11 West, did you wish to speak on the bill or was that
12 previously?

13 You're recognized.

14 SENATOR WEST: Mr. President, members, I
15 will not be long but, you know, we have a lot of people
16 in the gallery and I'm glad you're here, as citizens of
17 the state of Texas, because the reality is the history
18 of Texas is upon this very moment in this chamber on
19 this particular day as we cast this vote. It's a very
20 important vote, and I'm glad you're here listening to
21 the debate.

22 The history has been well chronicled by
23 Senator Watson, Van de Putte and Gallegos, and they've
24 illuminated had the tragic past in terms of voter
25 participation in this particular state and also ad hoc



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1 obstacles that have been placed in the way by those in
2 the majority in order to obtain political dominance.

3 Members, we should not forget the history of
4 our civil rights in this particular state, and I know
5 that the members of this body are a good and decent
6 people that bring different backgrounds and perspectives
7 to bear on this issue that we address today.

8 What is this really all about? What is this
9 all about? This will be the second bill, members, that
10 we will have passed out of this chamber, the second
11 bill. So what is this all really about? Maintaining
12 political dominance in this state. That's what it's all
13 about. And let's just kind of call it what it is.
14 Maintaining political dominance.

15 Members, this is a solution looking for a
16 problem. My desk mate chronicled a couple affidavits
17 that he received from the Attorney General, but I
18 suggest to you that it's basically a non-existent
19 significant issue in the state of Texas. Members
20 supportive of this legislation, this is an issue that
21 you need to come to grips with when you begin to look at
22 the demographic changes in the state of Texas, and let
23 me just kind of go through those with you.

24 Based on the latest statistical analysis, at
25 least as of July 21, 2007, 23.9 million Texans, and all



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1 of us heard basically what the demographic changes will
2 be in this particular state, and we know that this state
3 is going to be predominantly Hispanic. Well, the fact
4 of the matter is now it's predominantly minority.

5 When we begin to look in the out years and the
6 number of citizens that we're going to have in the state
7 of Texas, what is it going to look like? When we begin
8 to look at the individuals that will be in this chamber,
9 what is it going to look like? When we begin to look at
10 the people that will be in attendance, what will Texas
11 look like? It's going to be predominantly minority.
12 And so the question that I ask those of you that are
13 gung-ho on making this our second legislative initiative
14 coming out of this body, what's the purpose behind it?
15 You will say again that, you know, there's a problem.
16 There's no significant problem. It's all about
17 political dominance. Let's call it what it is.

18 But you got to understand also, I want you to
19 hear my words today, members, demographics in this state
20 are changing and ultimately the make-up of the voting
21 populous will change also. Those that are being
22 suppressed by this pretext will ultimately control this
23 body of politics and the laws that future generations of
24 Texas live under.

25 There's that old saying sometimes what goes



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1 around ultimately will come around, and I hope that as
2 future generations look at this particular issue, that
3 they can pretty much dissect exactly what occurred on
4 this particular day in the state Senate and judge it for
5 exactly what it is, and ultimately if this bill becomes
6 law, ultimately repeal it if we can't get it taken care
7 of at the Justice Department or Circuit Courts in D.C.

8 LIEUTENANT GOVERNOR DEWHURST: The Chair
9 recognizes Senator Hinojosa to speak on the bill.

10 SENATOR HINOJOSA: Thank you,
11 Mr. President, members. I'd like to speak against the
12 bill. First of all, I'd like to address a couple of
13 point made by Senator Williams on the affidavits out of
14 Progresso, Rio Grande Valley. Let me first say that
15 those affidavits are tainted for the simple reason it's
16 a very small community and there were outside activists
17 or Republicans who came in for the sole purpose of
18 trying to find people who would sign affidavits that
19 they themselves drew up. Also, these affidavits were
20 never turned in to the District Attorney's Office for
21 prosecution. In addition to that, it was not the DA's
22 office who received any of these complaints.

23 Furthermore, what also happened is that the
24 affidavits were not made by investigators or trained
25 people. There again, they were made by a group of



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1 Republicans who live outside this small community
2 looking and trying to fabricate this type of evidence.
3 And I'm somewhat disappointed that again here we are
4 dealing with a partisan issue at a time when we have
5 people losing their homes, their jobs, they can't pay
6 their bills. We're dealing with an issue that's not
7 going to help them have a better quality of life.

8 I would tell you that I thought that the
9 voters of the last election spoke loud and clear that
10 they wanted no more issues like this to come before this
11 body. They want us to deal with the bread and butter
12 issues like health care, education, jobs, economic
13 development, and here we are again dealing with an issue
14 that's not going to help one cent or one penny all
15 Texans to better their life, and for that reason, I'm
16 voting against Senate bill 362, which ought to be named
17 the Voter Suppression Bill. Thank you.

18 LIEUTENANT GOVERNOR DEWHURST: The Chair
19 recognizes Senator Whitmire to speak against the bill.

20 MS. WHITMIRE: Thank you, Mr. President,
21 members. Thank you, Senator Hinajosa for pointing out
22 that Senator Williams only mentioned allegations, and
23 it's amazing to me that if this is such a prevalent
24 problem that you have to go take a senator from the
25 Woodlands who borders Harris County with its hundreds of



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1 thousands of voters and has to go to south Texas to try
2 to find some allegations of voter fraud. That, in
3 itself, I think, makes the case that you have to really
4 search long and hard for instances.

5 It's also, as Senator Williams, in his
6 allegations, pointed out the test that I give to not
7 only my decisions as a public official but even in my
8 personal life. What is the greater good? If you wanted
9 to assume Senator Williams was correct and he found
10 three cases in deep south Texas, what is the greater
11 good, to address that in a fashion that the proponents
12 would have or is the greater good is to not set up
13 obstacles that we know will exist for people to vote.

14 When I complimented the Senate last Wednesday
15 morning after our marathon session, I mentioned the
16 decorum, the respect for one another that had been
17 demonstrated. Again, it's present today, but members,
18 that cannot overshadow the fact that this is a bad time
19 to be debating a really bad, bad, bad piece of
20 legislation, maybe the all time worst legislation in
21 terms of one that does so little for so few and harm to
22 so many.

23 I'm also struck by the attitude of some of my
24 colleagues. Let's just get this behind us. And in
25 fact, I would name this bill, Can We Just Get Behind --



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1 Can't We Just Get This Behind Us Act of 2009. It barely
2 beat out the title of the bill or the Hard to Vote Act
3 of 2009.

4 I cannot stand and let you just get it behind
5 us because we've heard credible testimony that three to
6 four percent of eligible voters will not be able to cast
7 their vote next election.

8 Well, let's assume it's just one percent, Sara
9 Duncan, or how about one person? Troy Fraser did an
10 excellent job the other night of talking about how
11 sacred the ballot box is, and we all join him in that
12 respect. But it is so sacred that now we're about to
13 tamper with the system that's going to disenfranchise
14 others.

15 I would ask the proponents just for a moment,
16 just for a moment, assume that we're right and you're
17 wrong, just absorb that for a minute, and if you even
18 want to go into the discussions and assume Tommy
19 Williams' allegations are going to be prosecuted and
20 punished, which I think he made the point that the
21 system is working pretty good, but what if the next
22 election day, there's someone in one of your districts
23 attempts to vote, if it's one person, and that sacred
24 process of voting is prohibited because of what we're
25 doing today?



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1 You know, I've heard folks talk about they
2 would rather ten guilty murderers go free than execute
3 one innocent man or woman. I was thinking about that
4 last night. I believe whatever allegations of fraud
5 that you can come up with cannot make the case to make
6 major obstacles, and I think part of the problem is some
7 of my colleagues don't really understand how difficult
8 it's going to be. You've not campaigned in communities
9 that are not as organized as maybe your life. I have
10 knocked doors, talked to voters. They didn't know how
11 they were going to get a ride to the polls; didn't know
12 if they were going to feel like it. Been doing this for
13 50, 60 years, and now for the first time, we put a new
14 responsibility on them.

15 Members, we have a responsibility, if it's
16 going to disenfranchise just one person, to fight this
17 really bad, bad, bad bill. And I respect Senator
18 Fraser's intent, but Troy, we disagree on the method.

19 What I don't understand, if you really think
20 there's fraud and you continue to make allegations, I
21 don't think you have proven your case, but let's just,
22 for the sake of the conversation, you believe there's
23 fraud, you're worried about, as you mentioned the other
24 night, you voting and then your brother coming back 30
25 minutes later and voting with your card.



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1 First of all, precinct judges, election judges
2 have the power of the district judge. They can have the
3 person arrested at that moment. What I don't understand
4 is why you address it with this bill instead of making
5 it a criminal justice issue. No one in this body
6 hesitates to address criminal acts by, one, enhancing
7 the penalties or creating a new offense. I just don't
8 understand why any of your witnesses did not address it
9 as a criminal justice issue. They didn't do it in
10 Indiana, they didn't do it in Georgia. Even our Harris
11 County Prosecutor, Rosenthal, who was so aggressive
12 until he was disgracefully run off, there's no instance
13 of voter fraud in Harris County that's been proven up.

14 The gentleman the other day was talking about
15 mail-in ballots. The Attorney General, our own Attorney
16 General, after spending 1.4 million and spending over a
17 year looking at it, came up with 26 cases. 18 of them
18 were mail-in ballots. Senator Fraser, you haven't
19 touched that top side or bottom, and because you haven't
20 addressed it as a criminal justice issue and tried to
21 enhance the penalties, I'll show you how you should have
22 handled it. This afternoon, in Administration, we're
23 going to hear a Zaffirini bill that's going to make
24 parking in handicap zone twice the current penalty.
25 We're going to double the fines if you park in a



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1 handicap zone. That's the way senators address crimes
2 and illegal acts. They don't come up with some civil
3 voting procedure that is going to make it difficult for
4 people to go cast that precious vote that Senator Fraser
5 talked about.

6 I can only conclude, because you haven't dealt
7 with it by enhancing the penalty or creating a new
8 offense, like we do on other illegal acts, that it's
9 pure politics, and let me suggest, Senator Fraser, that
10 it's bad politics, and I believe, I believe it's going
11 to backfire on you. I think this is a political bill
12 for years to come, will backfire on the proponents, and
13 let me just go ahead and put this on the table. I think
14 it's largely being done so some communities can think
15 they're getting after undocumented citizens. It's not
16 mentioned in many of the debate conversations, but I
17 listen to talk shows, I read comments, I get my share of
18 letters. There's a misconception that's being
19 encouraged by this legislation that undocumented
20 citizens are voting. It does not occur. You can't find
21 the instance. Those folks don't want nothing to do
22 about the ballot box, but this is largely driving it.

23 Let me close by saying the real sad note,
24 Senator Fraser, is if we had not changed the rules of
25 this body, we would not even be having this



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1 conversation. This is a great body. If we had not
2 changed the rules to make this the priority that doesn't
3 exist, we wouldn't even be having this discussion.

4 LIEUTENANT GOVERNOR DEWHURST: It's my
5 intent to go to Senator Fraser to close, but I just want
6 to make sure, is there anyone else who wishes to speak?

7 There not being anyone else who wishes to
8 speak the Chair recognizes Senator Fraser to close.

9 SENATOR FRASER: Thank you, members.
10 This actually has been a very interesting issue for all
11 of us. I think it's obvious that there's people in this
12 body that feel very strongly on both sides of this
13 issue, and I respect that. I don't think there's any
14 point that I felt that anyone who is in opposition to my
15 views ever was disrespectful to my views.

16 We have, as we do on all issues, we have the
17 right to disagree, and to that point, I think there's a
18 lot of pieces of legislation that move the legislature,
19 Senator Ellis, that I question why are we taking time to
20 do this, but that usually is my opinion and the person
21 laying it out feels very passionate that we should be
22 doing it.

23 Yes, we've taken some time in debating this,
24 and I think I would make the point that most of the
25 questions and the time was taken by the opposition, but



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1 the opposition on any bill has the right to do that, and
2 I respect that and would never, ever try to deny someone
3 their ability to do this, but we also have to recognize
4 that we are sent down by our voters, we were sent down
5 by the people of this state to make sure that what we're
6 doing down here protects those rights that they're
7 either guaranteed by the constitution or the laws that
8 we pass, and we have an obligation for that.

9 This issue, I believe, strives to that very
10 thing that we were sent down here to do, and I read this
11 earlier, but Steve Woolens, who was my chairman when I
12 was in the house. Steve Woolens was a Democratic
13 representative from Dallas, and he stated, and I think
14 it is the essence of what we're talking about, the
15 ability to cast a vote and have our vote counted is the
16 bedrock of our Democracy.

17 We must do everything possible to ensure the
18 sanctity of the vote of this state, which leads us to
19 the point, Dean, Senator Whitmire was asked earlier how
20 did we get to the point of talking about this bill,
21 Senate bill 362, it's not rocket science. It is not a
22 complicated issue. It's a very simple concept.

23 My goal, in laying out Senate bill 362, is
24 very simple. The goal is to make sure that every person
25 arriving at a polling site is the same one who is named



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1 on that voter list; that you are who you say you are. I
2 believe Senate bill 362 makes voting easy. A voter
3 showing up can either show a photo identification or two
4 non photo ID's, including even an electric bill or a
5 library card.

6 Even if voters can't verify their identity,
7 they're still going to be allowed to cast a provisional
8 ballot. Every person walking in to the polling place
9 will allow -- be allowed to vote. No one will leave not
10 being able to cast a ballot.

11 Senator Ellis, I would -- I would raise the
12 issue that if we go back and look at the polling that
13 has been done on this issue, there have been multiple
14 polls that have been done. The one obviously I like
15 best is the one that's most favorable. The Rasmussen
16 poll in October of this year showed that 88 percent of
17 Texans, people in Texas, not one political party or
18 other, 88 percent of Texans, when they're asked the
19 question, "Should you have to show identification when
20 you vote," 88 percent of the public said, "Yes, I agree
21 with that concept."

22 Now the interesting thing is that of those 88
23 percent, 80 percent of them identified themselves as
24 Democrats. There's been two other polls; the latest
25 poll this last weekend by the University of Texas showed



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1 that in their poll, 69 percent, and even though that's
2 less than 88, 67 percent, if I told you two-thirds of
3 your voters was for something, I would suspect you would
4 be for that.

5 Now I've been doing my own personal poll. You
6 asked me the question have I been visiting with other
7 people, and more specifically, have I visited with
8 African Americans or Hispanics about this. I've
9 actually been doing my own polling on this for a long
10 time, actually going back a couple years, because we had
11 this bill two years ago, and any time I'm getting a
12 chance where I can engage someone in conversation, I ask
13 them the question, it's a very simple question, "Should
14 you have to show identification to verify you are who
15 you say you are whenever you have to vote?"

16 Since I've been asking that question of all
17 people that I've engaged, I am yet to have a single
18 person tell me that they disagree with that.

19 Now obviously there's some pressure on the
20 fact that I'm the one asking the question, but I find it
21 interesting that if a person, if you ask them should
22 they, you know, do that, no matter who the person is,
23 they go, "No, I think that's fair. I think that
24 someone, you know, if they're going to be voting, should
25 have to prove they are who they say they are."



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1 So Senator Ellis, I would make the point that
2 of the people that are opposed to this, I know there's
3 12 in this room and probably some on the other side, but
4 if 88 percent of the people in the state of Texas, I'm
5 assuming that a bunch of those live in your district,
6 then I would make the case I'm on the side of the people
7 in this case.

8 The voter ID bill has been passed, photo ID
9 bill has been passed, strict photo identification in two
10 states. There's 24 states that have some form of photo
11 identification, but the two that are the most strictest
12 are Indiana and Georgia. Indiana's case was put into
13 place. They've had two election cycles in '06 and '08.
14 Since it was put in place, it's gone all the way up to
15 the Supreme Court.

16 The Supreme Court, the confirming -- the
17 opinion on this was written by John Paul Stevens, which
18 generally is a left-leaning, more liberal judge, and he
19 wrote the opinion, the majority opinion confirming the
20 Indiana law 6 to 3.

21 The Georgia case that was passed again went
22 all the way through the -- being approved by the
23 Department of Justice and has been confirmed at every
24 level, and both of those have gone through the last
25 election cycle. So I guess the question I would ask,



1 did someone say is this going to suppress vote. Both
2 Indiana and Georgia have found that, even Indiana,
3 through two election cycles, not only did it not
4 suppress vote, it actually encouraged voters that they
5 felt better that their vote was going to be counted and
6 not diluted by someone that was voting illegally, that
7 the vote count in both of those states went up. And
8 actually in the last election, in 2008, Georgia had the
9 second largest increase in Democratic voters in the
10 United States, much more than the surrounding states
11 that did not have a like ID law in place.

12 Indiana was the largest increase in Democratic
13 voters in the entire United States. The total increase
14 they had was 6.7 increase, almost double the increase of
15 the adjoining state, which was Illinois, where the
16 president nominee was from.

17 I'm going to give a couple examples here, just
18 to make sure, and I hate that the press missed all the
19 testimony we had the other night when we stayed here
20 through 28 hours, and most of the press went home in the
21 middle of the night so you missed a lot of the very
22 important testimony, and I think the one that was
23 probably the most compelling, or I thought was telling,
24 was the testimony of the Secretary of State, when they
25 were talking about the way that the Texas law works in



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1 Texas.

2 Just clarifying, making sure you understand
3 that if someone walks into a polling place and they have
4 a voter registration certificate, that doesn't make any
5 difference whether it's their's or their brother's or
6 their wife's or the guy down the street, or someone
7 that's died, as long as they have a voter registration
8 certificate, current Texas law says, "On offering to
9 vote, a voter must present a voter registration
10 certificate to the election officer. On presentation of
11 the certificate, an election officer shall determine
12 whether the voter's name is on the certificate." They
13 check the names there, and if it's the proper precinct.
14 If you meet those two parameters, they hand you a ballot
15 and you go and vote.

16 In any circumstance, and the question I asked
17 the Secretary of State, if I walked into the voting
18 booth with my brother's registration card and I was
19 voting, I had already voted and I was now going to vote
20 with my brother's card, Steve, could they stop me from
21 voting, and the answer was no, there is not the ability
22 under current law to do that.

23 The question was raised about the ability to
24 convict. I would make the point that under current law,
25 not only is it virtually impossible to identify that



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1 someone is voting illegally, but it is much harder to
2 convict that person. The testimony earlier we
3 referenced the District Attorney, Rene Guerra, out of
4 Hidalgo County, the D.A., Rene Guerra, here's his exact
5 quote that he gave to the -- I believe this was to the
6 McAllen paper. No, I'm sorry, it was to the Rio Grande
7 Guardian paper. He says, he said, "Voter fraud is
8 nearly impossible to prove. Since losing a county
9 ballot tampering case in '78, Guerra has shied away from
10 taking on new cases involving election irregularities
11 even though all the cases that Senator Williams just
12 laid out came from that county and has been reported for
13 years."

14 It goes on to say, "To convince a jury these
15 days, you almost need a videotape of someone voting
16 illegally, the District Attorney said." The article
17 goes on to say that he has lost his appetite to
18 prosecute.

19 So in trying to say that Texas doesn't have a
20 problem, I would greatly disagree. I think we've got a
21 huge problem, because not only do we not have the
22 ability to identify someone, we don't have the ability
23 to prosecute it, and it actually goes much further than
24 that.

25 Mary Ann Collins from Plano, 70 year old woman



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1 stayed here all night the other night in order to come
2 up here and give us her testimony about the fact that
3 she was working as a poll worker. She had watched
4 someone vote, and a few hours later, she had noticed
5 someone else, and I think she had seen her with a bright
6 hat and she recognized this was an outstanding, or
7 someone she was easy to identify. She saw the woman
8 come back in a couple hours later to vote again with a
9 different card. She went to the election judge to
10 notify the judge that that woman was voting illegally,
11 and the election judge said, "Sorry, there's nothing we
12 can do to stop them."

13 To assume there is not voting fraud in Texas
14 is really almost laughable. To assume that we can
15 prosecute someone for voting fraud is difficult.

16 In affirming the Supreme Court case, John Paul
17 Stevens made a couple of observations about voting. He
18 talks about the fact that the actual act of voting is a
19 burden but it's a burden that everyone accepts. The
20 burdens of that are arising from life's vagaries,
21 however, are neither serious nor so frequent as to raise
22 a question about the constitutionality of the Indiana
23 law. The availability of the right to cast a
24 provisional ballot provides an adequate remedy for
25 problems of this character. For most voters who need



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1 the inconvenience of making a trip to the Bureau of
2 Motor Vehicles, gathering required documents and posing
3 for a photograph does not qualify as a substantial for
4 the right to vote or even represent a significant
5 increase over the usual burdens of voting.

6 The last example I will give you, and I hope
7 this is one that hits close to home, is someone raised
8 the example, or the issue -- well, there's a few here
9 and a few there, but we have an example actually here
10 sitting with us in this body that Mike Jackson, when he
11 was elected in Houston in 1988, won by seven votes. I
12 went back and looked at the records of the voting
13 irregularities in Houston, the number of dead people
14 that have voted, the number of complaints that have been
15 made, and the thought comes to my mind, if seven people
16 had cheated during his election, it would have changed
17 history. Mike Jackson would not be with us here today;
18 four people have flipped it. Four people could have
19 changed history and changed his ability to serve as he
20 has in the Texas Senate. To assume that someone
21 cheating in an election is not important, the best
22 example is right here, is that there's been a lot of
23 elections, especially a primary, and more especially in
24 rural areas, where you have a county commissioners race,
25 one vote makes a huge difference, and if someone can



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1 cheat on that one vote, it could impact the election.

2 The dangers of voting fraud has always
3 entthreatened the integrity of the electoral process for
4 the entire history of the United States. I believe that
5 threat continues today. In quoting again as I did in my
6 opening comments, the 2005 bipartisan Carter/Baker
7 Commission reaffirms the dangers when they say elections
8 are at the heart of democracy; Americans are losing
9 confidence in the fairness of elections. And while we
10 do not face a crisis today, we need to address the
11 problem of our electoral system.

12 Members, I would be concerned if I thought
13 this bill in any way would suppress turnout, but I also
14 believe it does not do that. It just protects
15 legitimate vote. It offers multiple ways to prove you
16 are who you say you are before you cast your vote.
17 Thank you.

18 LIEUTENANT GOVERNOR DEWHURST: Senator
19 Fraser, I'm going to recognize you for a motion to move
20 Senate bill 362 to engrossment.

21 SENATOR FRASER: Members, I would now
22 move Senate bill 362 would be passage as amended, would
23 move its passage to engrossment.

24 LIEUTENANT GOVERNOR DEWHURST: Members,
25 you've heard the motion by Senator Fraser. The



1 Secretary will call the role.

2 SECRETARY: Averitt, Carona, Davis.
3 Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos,
4 Harris, Hegar, Hinajosa, Huffman, Jackson, Lucio,
5 Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro,
6 Shapleigh, Uresti, Van de Putte, Watson, Wentworth,
7 West, Whitmire, Williams and Zaffirini.

8 LIEUTENANT GOVERNOR DEWHURST: Members,
9 there being 19 "I's" and 12 "Nay's", Senate Bill 362, as
10 amended, is passed to engrossment.

11 Senator Duncan, for what purpose?

12 SENATOR DUNCAN: Just for a brief thank
13 you for our staff. Mr. President, the other night, we
14 stayed up, I think, a marathon 23 hour session, and at
15 the end, I think was a little bit too tired to remember
16 to thank those who really made this work, and I think
17 all of us understand the importance of this secretary of
18 the Senate and our Sergeant at Arms and how nice of a
19 job they do for us, and all of their staff, and they
20 stayed up here with us, and at times, it was a little
21 testy, but they all performed in an outstanding fashion,
22 so I just want to take this brief moment to say
23 publicly thank you, although I know we all understand
24 the importance of their jobs, so let's give them an
25 ovation.



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1 (Clapping.)

2 LIEUTENANT GOVERNOR DEWHURST: Members,
3 Senator Shapleigh moves that the comments that have been
4 made during the floor debate and the exhibits from
5 Senator Williams be included in the record, and the
6 affidavits, excuse me, the affidavits referenced by
7 Senator Williams be included in the record.

8 You've heard the motion by Senator Shapleigh.
9 Is there any objection from any member?

10 The Chair hears none and the motion is
11 adopted. It's my intention, we have four more -- we
12 actually have five bills that are eligible. I don't
13 think they'll take much time, but I'd like to go ahead
14 and address those.

15 Senator Van de Putte, are you ready on --
16 the Chair recognizes Senator Van de Putte for a motion
17 to suspend the regular order of business to take up and
18 consider a committee substitute to Senate bill 90.

19 SENATOR VAN DE PUTTE: I'm sorry, is that
20 Senate bill 90?

21 LIEUTENANT GOVERNOR DEWHURST: Yes,
22 please.

23 (End of CD.)
24
25



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2 STATE OF TEXAS)

3 I, Lynne Rodriguez, Certified Shorthand Reporter in
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11 That the aforementioned CD was transcribed
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18 I further certify that I am neither
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2

1 LIEUTENANT GOVERNOR DEWHURST: The Senate
2 will come to order. The Chair lays out on third reading
3 and final passage Senate bill 362. The Secretary will
4 read the caption.

5 SECRETARY: Senate bill 362 relating to
6 requiring a voter to present proof of identification.

7 LIEUTENANT GOVERNOR DEWHURST: Senator
8 Van de Putte, for what purpose do you rise?

9 SENATOR VAN DE PUTTE: Mr. President, if
10 the author will allow me to put into the record the
11 response from the Secretary of State's office.

12 LIEUTENANT GOVERNOR DEWHURST: The Chair
13 recognizes Senator Fraser.

14 SENATOR FRASER: Mr. President, my
15 understanding is, and I haven't seen the document, but
16 there was a question asked by Senator Van de Putte, I
17 think that directed the data she's going to enter into
18 the record was given by the Secretary of State to
19 Senator Van de Putte, and I haven't seen it and I guess
20 I would probably like to see it, but I think she just
21 entered into the record the response from the Secretary
22 of State.

23 LIEUTENANT GOVERNOR DEWHURST: The Chair
24 recognizes Senator Van de Putte to read the letter.

25 SENATOR VAN DE PUTTE: Thank you,



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1 Mr. President.

2 Mr. President and members, I had thought that
3 we could submit the letter from Coby Shorter, our Deputy
4 Secretary of State of the response to the questions that
5 were asked last week during the committee of the whole.

6 However, since the committee of the whole
7 report has already been submitted, the only way to get
8 this into the record is actually read it, so I ask the
9 indulgence of my colleagues, since that is the
10 prescribed way our parliamentarian has advised me to do
11 this.

12 This letter is dated March 11, 2009. The
13 letterhead is Coby Shorter, III, Deputy Secretary of
14 State. It's addressed to myself, Senator Van de Putte.

15 "Thank you for the opportunity to serve as
16 resource witness on Senate bill 362. During my
17 testimony, you asked several questions which I needed to
18 research. Below please find your questions and my
19 responses."

20 "Question: Explain the difference between a
21 citizen's certificate and a citizenship paper. Please
22 know the office of Secretary of State does not have the
23 jurisdiction over U.S. citizenship issues, thus our
24 response is based on information from the U.S.
25 Citizenship and Immigration Services."



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1 Based on preliminary research, we have
2 determined that a certificate of U.S. citizenship is a
3 document issued by the United States government as a
4 proof of U.S. citizenship. Individuals who are eligible
5 to apply for the certificate include those who obtained
6 U.S. citizenship while residing in the United States or
7 individuals who are born outside of the United States to
8 U.S. citizens. Specifically, children born of U.S.
9 citizens who are born abroad eligible. In addition, a
10 child whose parent or parents become naturalized while
11 the child was under 18 years of age is also eligible for
12 this document. The certificate of U.S. citizenship
13 contains a photograph and qualifies as proof of identity
14 under the proposed amendment to section 63.0101 (a) of
15 the Texas Election Code."

16 "United States citizenship papers are one of
17 the authorized forms of identification in the proposed
18 amendment to section 63.0101(b) of the Code."

19 "According to the U.S. Citizenship and
20 Immigration Services, the following documents generally
21 constitute proof of U.S. citizenship: Birth
22 certificate, U.S. passport, certificate of citizenship
23 and naturalization certificate. These four documents
24 would appear to qualify as a United States citizenship
25 papers under the proposed amendment to section 63.0101.



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1 A U.S. passport and a certificate of citizenship are
2 specifically listed as forms of photo identification
3 authorized under the proposed section 63.01012 (a). So
4 it appears that these documents qualify under both
5 63.0101 (a) and (b.)

6 A Certificate of Naturalization is a document
7 issued by the United States government on or before
8 October 1, 1991 by federal or state court as proof of a
9 person having obtained U.S. citizenship through
10 naturalization. A certificate of naturalization
11 contains the person's photograph. A birth certificate
12 does not contain the photograph."

13 "Question: How will inconsistencies between a
14 temporary address appearing on an authorized
15 identification document and a permanent address
16 appearing on the voter registration list of military and
17 student voters be treated if SB 362 were to become law?"

18 "Senate bill 362 requires a voter to provide
19 proof of his or her identity and does not require a
20 voter to provide proof of residence. If there was an
21 inconsistency between an address that appeared on the
22 authorized form of identification and the voter
23 registration roll, that would not be grounds to
24 disqualify the voter. As long as the voter still
25 claimed the address that appeared on the voter



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1 registration list as his or her permanent residence
2 address, the voter would be accepted for voting."

3 "Accordingly, if a voter presented a valid
4 form of identification as proposed under to Senate bill
5 362 which contained an address different to the list of
6 registered voters, that voter would be allowed to vote."

7 "Question: Does the Secretary of State track
8 racial status of registered voters? If not, how would
9 the Secretary of State prove that Senate bill 362 does
10 not have an adverse impact on minority voters when the
11 state submits the bill for pre-clearance?"

12 "Because racial status is not considered in a
13 person's eligibility to register to vote, the state
14 prescribed voter registration application does not
15 request this information from voters. As a result, the
16 state does not have statistics regarding the race or
17 ethnicity of registered voters in Texas."

18 "We do have data on the number of registered
19 voters with Hispanic surnames but this data is
20 inconclusive as it simply matches the surname of
21 registered voters against a list of identified Hispanic
22 surnames provided by the U.S. Census Bureau. Every
23 submission to the U.S. Department of Justice is
24 different based on the unique aspects of the
25 legislation. For instance, the Texas Legislative



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7

1 Counsel assisted with a compilation of data on race and
2 ethnicity for re-districting bills. A similar effort to
3 obtain such demographics may be required for a voter
4 identification bill."

5 "Historically, we have also worked with
6 legislators to ensure the best data available is
7 included in submissions."

8 "thank you for the opportunity to research
9 these issues. If I have inadvertently omitted or
10 misunderstood your questions, please let me know.
11 Sincerely, Colby Shorter, III, Deputy Secretary of
12 State."

13 Mr. President, I would ask that these be
14 included in the records of today's proceedings.

15 LIEUTENANT GOVERNOR DEWHURST: Senator
16 Van de Putte moves that her comments be read into the
17 record and incorporated into the journal. Is there any
18 objection from any member?

19 Hearing there's none, so ordered.

20 Chair recognizes Senator Fraser on Senate bill
21 362.

22 SENATOR FRASER: Members, I appreciate
23 everyone's effort on this bill this week. I think the
24 debate we have had has been good and complete, and would
25 like to give a thank you to the Lieutenant Governor's



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1 staff and everyone on this bill. I would now move final
2 passage of Senate bill 362.

3 LIEUTENANT GOVERNOR DEWHURST: Members,
4 you've heard the motion by Senator Fraser. The
5 Secretary will call the role.

6 SECRETARY: Averitt, Carona, Davis.
7 Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos,
8 Harris, Hegar, Hinajosa, Huffman, Jackson, Lucio,
9 Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro,
10 Shapleigh, Uresti, Van de Putte, Watson, Wentworth,
11 West, Whitmire, Williams and Zaffirini

12 LIEUTENANT GOVERNOR DEWHURST: There
13 being 19 "I's" and 12 "Nay's," Senate bill 362 has
14 finally passed.

15 The Chair recognizes Senator West for a
16 statement.

17 SENATOR WEST: Thank you very much,
18 Mr. President. On behalf of the ethnic minority
19 senators in the chamber, we offer the following
20 statement with respect to our votes on Senate bill 362
21 and ask that they be spread upon the journal of the
22 sent.

23 The Senate is comprised of 31 members, 8 of
24 whom are ethnic minorities, Ellis, West, Gallegos,
25 Hinajosa, Lucio, Uresti, Van de Putte and Zaffirini.



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1 On January the 14th, 2009, a motion was made
2 to amend the previous rules of the Senate to allow for
3 legislation relating to voter identification
4 requirements. After being reported favorably from a
5 committee of the whole Senate to be set for special
6 order, therefore bypassing the need for a two-thirds
7 vote of the Senate at any point during the Senate
8 deliberations the legislation addressing only the
9 subject. The motion prevailed by a vote of 8 to 13.
10 All 8 senators who are ethnic minorities voted against
11 this motion.

12 On March 10th and 11th, 2009, the Senate
13 convened as a committee of the whole and took up and
14 passed Senate bill 362, which relates to voter
15 identification requirements by a vote of a 20 to 12.
16 All senators who are ethnic minorities voted against
17 passage of the bill from the committee of the whole
18 Senate.

19 On March 11th of 2009, the Senate voted to
20 send Senate bill 362 and no other bill for special
21 order. The vote on this special order was 19 to 12.
22 All 8 ethnic minority senators voted against this
23 motion.

24 On March the 17th, the Senate took up Senate
25 bill 362 on second reading as a special order. The vote



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1 on this legislation was 19 to 12. All 8 ethnic minority
2 senators voted against this motion.

3 On March 18, the Senate took up Senate bill
4 362 on third reading. The vote on this legislation was
5 19 to 12. All 8 ethnic minority senators voted against
6 this legislation.

7 To date, there have been no other
8 opportunities during the 81st regular legislative
9 session which members of the Senate had the opportunity
10 to vote on legislation relating to voter identification
11 other than the ones listed above.

12 And of all the opportunities members of the
13 Senate have had to vote on voter identification
14 legislation or Senate processes regarding identification
15 legislation, no senator who's ethnic minority has voted
16 in favor of such legislation or the process related to
17 such legislation.

18 This statement is on behalf of Ellis, West,
19 Gallegos, Hinajosa, Lucio, Uresti, Van de Putte and
20 Zaffirini. Thank you, Mr. President. And we're asking
21 this be spread responsible the journal.

22 LIEUTENANT GOVERNOR DEWHURST: Senator
23 Shapleigh, do you wish to speak on the statement or on a
24 different matter?

25 SENATOR SHAPLEIGH: Will the Senator



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1 yield?

2 LIEUTENANT GOVERNOR DEWHURST: Will
3 Senator West yield to Senator Shapleigh?

4 SENATOR WEST: Yes, I will.

5 SENATOR SHAPLEIGH: Senator, I think
6 you'll find that for DOJ purposes, a senator
7 representing a majority minority district, that vote is
8 relevant too. I think I represent the second highest
9 minority district in the Senate and I think my name
10 needs to be appended to that motion.

11 SENATOR WEST: So I have no objections to
12 Senator Shapleigh's name being appended to that motion.

13 SENATOR SHAPLEIGH: Thank you.

14 LIEUTENANT GOVERNOR DEWHURST: Thank you,
15 Senators. Pursuant to Rule 1701, the statement will be
16 entered into the journal.

17 SENATOR WEST: Thank you.

18 LIEUTENANT GOVERNOR DEWHURST: Is Senator
19 Zaffirini on the floor? Are you ready with Senate bill
20 52?

21 (End of CD.)

22
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1 IN THE COUNTY OF TRAVIS)

2 STATE OF TEXAS)

3 I, Lynne Rodriguez, Certified Shorthand Reporter in
4 and for the State of Texas, hereby certify to the
5 following:

6 That the CD entitled, "2009 (81R) SB 362,
7 Senate Flr Debate, 3rd Reading,"
8 was transcribed at the request of Anne Wilson, 209
9 West 14th Street, Attorney General's Office, Austin,
10 Texas 78701, and the amount due is \$_____.

11 That the aforementioned CD was transcribed
12 to the best of my ability to hear and understand the
13 CD;

14 That the transcript was submitted by
15 E-trans on April 23, 2012, to Anne Wilson, 209 West
16 14th Street, Attorney Generals' Office, Austin,
17 Texas 78701;

18 I further certify that I am neither
19 counsel for, related to, nor employed by any of the
20 parties or attorneys in the action in which this
21 proceeding was taken, and further that I am not
22 financially or otherwise interested in the outcome
23 of the action.

24 Certified to by me, this 22nd day of
25 April, 2012.



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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 5, 2009

TO: Honorable Todd Smith, Chair, House Committee on Elections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB362 by Fraser (Relating to requiring a voter to present proof of identification.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB362, As Engrossed: a negative impact of (\$2,000,000) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$2,000,000)
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 1
2010	(\$2,000,000)
2011	\$0
2012	\$0
2013	\$0
2014	\$0

Fiscal Analysis

The bill would make various changes to the Elections Code regarding voter identification. Among the changes would be a requirement that the voter registrar of each county provide with each initial voter registration certificate or renewal registration certificate issued, notice of identification requirements for voting. The Secretary of State (SOS) would be required to prescribe the wording of the notice. Another new requirement would be that the SOS and the voter registrar of each county that maintains a website to post on the website notice of the identification requirements. The SOS would prescribe the wording of the notice to be posted on the website. The SOS would also be required, in cooperation with appropriate nonprofit organizations and with certain political parties, to establish a statewide effort to educate voters regarding the identification requirements for voting. The SOS would be authorized to use any available funds, including federal funds, for the education purposes.

Provisions of the bill would require training standards to include instructions on the acceptance and handling of the identification presented by a voter to an election officer. Each election clerk would be required to complete the part of training that covers identification. The SOS would be required to adopt the training standards and to develop training materials as soon as practicable after September 1, 2009. Each county clerk would be required to provide a session of training using the standards adopted by and the materials developed by the SOS as soon as practicable as well.

The bill would require the presiding judge at each polling place to post in a prominent location outside of the location a list of the acceptable forms of photographic and non-photographic identification. The bill would add to the list of acceptable forms of identification. If identification requirements are not met by a voter, an election officer would be required to inform the voter that they may cast a provisional ballot.

The Department of Public Safety (DPS) would be prohibited from collecting a fee for a personal identification certificate issued to a person who states that they are obtaining the personal identification certificate for the sole purpose of meeting identification requirements for voting if the person meets certain criteria.

Other than stipulations related to providing and posting notice of identification requirements for voting and stipulations related to training, all of which would take effect September 1, 2009, the bill would take effect January 1, 2010.

Methodology

Although there could be a revenue loss from the prohibition to collect a fee for a personal identification certificate issued to a person seeking the certificate for the sole purpose of voting, it is unknown how many people would make the request, and therefore unknown the amount of revenue loss that could occur. Otherwise, based on the analysis by DPS, it is assumed that costs associated with requirements for the agency could be absorbed within existing resources.

The bill would require the Secretary of State, in cooperation with appropriate nonprofit organizations and with certain political parties, to establish a statewide effort to educate voters regarding the identification requirements for voting. The agency estimates that this would cost \$2 million out of General Revenue Funds for fiscal year 2010. The bill would make no appropriation, but could provide the legal basis for an appropriation of funds to implement the provisions of the bill, and a contingency rider for \$2 million is included in the proposed Senate appropriations bill.

Local Government Impact

Based on responses from a sampling of election authorities and county clerks, fiscal impact from implementing provisions of the bill would vary by county. Costs would include at a minimum those for printing signs to post at each polling place, which would not be significant. Other potential costs would be associated with additional training and posting information to the county website. Again, those costs are not expected to be significant. One smaller county response anticipates that the new provisions regarding casting a provisional ballot would require hiring additional staff, resulting in a moderate to significant cost.

Source Agencies: 405 Department of Public Safety, 307 Secretary of State

LBB Staff: JOB, TP, MS, DB, BTA, SD, LG

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FIRST DAY — TUESDAY, MARCH 31, 2009

The house met at 11:35 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 74).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Hernandez.

LEAVES OF ABSENCE GRANTED

On motion of Representative Thompson and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Thompson moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

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MOTION FOR ONE RECORD VOTE

On motion of Representative Thompson and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 75): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycoc; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker; Eiland(C).

Absent, Excused — Hernandez.

HB 551

HB 753

HB 963

HB 1683

HB 1758

HB 1871

HB 1963(Harper-Brown,P.King, Leibowitz, Riddle, andTaylor-no)(142-5-2)

HB 1975

HB 2208

HB 2237

HB 2275

HB 2433

HB 2434

HB 2560

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Thompson and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

SCR 2 - PREVIOUSLY ADOPTED

(Smithee - House Sponsor)

The chair laid out and had read the following previously adopted resolution:

SCR 2, Commemorating the centennial of West Texas A&M University.

(McClendon in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Smithee who introduced representatives of West Texas A&M University.

(Speaker in the chair)

GENERAL STATE CALENDAR

HOUSE BILLS

THIRD READING

The following bills were laid before the house and read third time:

HB 1671 ON THIRD READING

(by Crownover, Naishtat, Coleman, Zerwas, Gonzalez Toureilles, et al.)

HB 1671, A bill to be entitled An Act relating to mutual aid agreements for newborn screening laboratory services.

HB 1671 was passed by (Record 76): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero;

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Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hernandez.

Absent — Rose.

STATEMENT OF VOTE

When Record No. 76 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

HB 1297 ON THIRD READING (by Hochberg, Flores, et al.)

HB 1297, A bill to be entitled An Act relating to optional flexible school day program courses offered by school districts to enable students to earn course credit under certain circumstances.

HB 1297 was passed by (Record 77): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton;

Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hernandez.

Absent — Isett.

STATEMENT OF VOTE

When Record No. 77 was taken, I was in the house but away from my desk. I would have voted yes.

Isett

HB 1240 ON THIRD READING (by Villarreal, Naishtat, and Coleman)

HB 1240, A bill to be entitled An Act relating to information required to be provided to parents of an infant.

HB 1240 was passed by (Record 78): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hernandez.

Absent — Edwards; Hancock; Laubenberg.

HB 773 ON THIRD READING (by Oliveira, et al.)

HB 773, A bill to be entitled An Act relating to extending the expiration date of the Property Redevelopment and Tax Abatement Act.

HB 773 was passed by (Record 79): 145 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Crabb.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hernandez.

Absent — Edwards; Elkins.

STATEMENT OF VOTE

I was shown voting yes on Record No. 79. I intended to vote no.

Geren

HB 772 ON THIRD READING

(by D. Howard, Rodriguez, Maldonado, Leibowitz, et al.)

HB 772, A bill to be entitled An Act relating to Internet broadcasts of open meetings held by the State Board of Education.

HB 772 was passed by (Record 80): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero;

Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hernandez.

HB 1038 ON THIRD READING
(by Paxton, Zerwas, Harless, Gattis, Truitt, et al.)

HB 1038, A bill to be entitled An Act relating to the determination of the market value of a residence homestead for purposes of ad valorem taxation.

HB 1038 was passed by (Record 81): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hernandez.

Absent — Alonzo; Davis, Y.; Elkins; Menendez.

HB 350 ON THIRD READING
(by Leibowitz, Herrero, Martinez, et al.)

HB 350, A bill to be entitled An Act relating to use of school district resources for athletic or instructional facilities.

HB 350 was passed by (Record 82): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hernandez.

HB 71 ON THIRD READING
(by Corte, Bohac, Chavez, Branch, S. Miller, et al.)

HB 71, A bill to be entitled An Act relating to the establishment of a program to provide a ballot by electronic mail to military personnel serving overseas and their spouses and dependents residing overseas.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 71**:

Amend **HB 71** on third reading by inserting the following new section, appropriately numbered, and renumbering the subsequent sections of the bill accordingly:

SECTION _____. Chapter 63, Election Code, is amended by adding Section 63.0013 to read as follows:

Sec. 63.0013. EXEMPTION FROM PROOF OF IDENTIFICATION REQUIREMENT: ACTIVE DUTY MILITARY PERSONNEL SERVING IN COMBAT ZONE. (a) A voter is exempt from the proof of identification requirements prescribed by Section 63.0101 if the voter is a member of the armed

forces of the United States who is on active duty under the lawful orders of competent authority in an area that has been designated by the president of the United States as a combat zone.

(b) The secretary of state shall prescribe procedures as necessary to implement this section.

Amendment No. 1 was adopted.

HB 71, as amended, was passed by (Record 83): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hernandez.

Absent — Hardcastle; Pierson; Thibaut.

HB 271 ON THIRD READING

(by Ortiz, Button, F. Brown, Strama, Parker, et al.)

HB 271, A bill to be entitled An Act relating to the designation of enterprise projects during a biennium.

HB 271 was passed by (Record 84): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero;

Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hernandez.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 1161 ON SECOND READING (by Geren)

CSHB 1161, A bill to be entitled An Act relating to local regulation of distance requirements for businesses selling alcoholic beverages near certain establishments.

CSHB 1161 was read second time on March 30 and was postponed until 10 a.m. today.

Representative Geren moved to postpone consideration of **CSHB 1161** until 11:30 a.m. tomorrow.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Gonzalez Toureilles requested permission for the Committee on Agriculture and Livestock to meet while the house is in session, during bill referral today, in E2.028, for a public hearing, to consider the previously posted agenda.

Permission to meet was granted.

Representative Homer requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, during bill referral today, in E1.010, for a public hearing, to consider items from a previously posted notice.

Permission to meet was granted.

Representative Vaught requested permission for the Committee on Criminal Jurisprudence, Subcommittee on Violent Crimes, to meet while the house is in session, during bill referral today, in JHR 120, to continue the posted agenda.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Deshotel moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Business and Industry, Subcommittee on Consumer and Employee Issues, to consider **HB 1787, HB 1835, HB 1953, HB 2623, HB 2988, HB 3077, HB 3083, HB 3166, HB 3167, HB 3525, and HB 4395.**

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, Subcommittee on Consumer and Employee Issues, 8 a.m. tomorrow, E2.036, for a public hearing, to consider **HB 1787, HB 1835, HB 1953, HB 2623, HB 2988, HB 3077, HB 3083, HB 3166, HB 3167, HB 3525, and HB 4395.**

COMMITTEES GRANTED PERMISSION TO MEET

Representative Pickett requested permission for the Committee on Transportation to meet while the house is in session, during bill referral today, in E2.014.

Permission to meet was granted.

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, during bill referral today, in E2.012, to continue the previously posted agenda.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative McClendon moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider **HB 4464.**

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 2 p.m. or upon final adjournment tomorrow, E2.028, for a public hearing, to consider **HB 4464** and the posted agenda.

PROVIDING FOR ADJOURNMENT

Representative Zerwas moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Taylor in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:34 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 136 (By Creighton), Designating the tarpon as the official State Saltwater Fish of Texas.

To Culture, Recreation, and Tourism.

HCR 137 (By Gonzalez Toureilles), Commending Orange Grove High School Family, Career, and Community Leaders of America students for their efforts to raise awareness of cancer of unknown primary (CUP) origin and for choosing zebra stripes as the ribbon color to symbolize this rare form of cancer.

To Public Health.

HCR 139 (By Flores), Directing the State Preservation Board to amend its rules to allow the statue in honor of Tejanos to be placed on the south lawn of the Capitol.

To Culture, Recreation, and Tourism.

HCR 148 (By Veasey), Memorializing Congress to ensure that women in U.S. Immigration and Customs Enforcement detention facilities receive full access to the medical care to which they are entitled.

To State Affairs.

HJR 98 (By Thompson), Proposing a constitutional amendment authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.

To Corrections.

HR 1138 (By Mallory Caraway), Urging U.S. Treasury Secretary Timothy Geithner to implement a plan that will allow cities affected by the credit crisis to access traditional market interest rates for bonds.

To Urban Affairs.

SB 32 to Public Health.

SB 33 to Public Education.

SB 34 to Judiciary and Civil Jurisprudence.

SB 39 to Insurance.

SB 44 to Higher Education.

SB 52 to Transportation.

SB 65 to Higher Education.

SB 71 to Human Services.

SB 72 to Human Services.

SB 81 to Human Services.

SB 86 to Public Health.

SB 90 to Defense and Veterans' Affairs.

SB 93 to Higher Education.

SB 158 to Public Education.

SB 175 to Higher Education.

SB 188 to Public Health.

SB 189 to Defense and Veterans' Affairs.

SB 202 to Public Health.

SB 220 to Transportation.

SB 229 to County Affairs.

SB 234 to Business and Industry.

SB 235 to Business and Industry.

SB 236 to Business and Industry.

SB 239 to Business and Industry.

SB 271 to Judiciary and Civil Jurisprudence.

SB 279 to Judiciary and Civil Jurisprudence.

SB 284 to Public Health.

SB 286 to Public Health.

SB 287 to Public Health.

SB 288 to Public Health.

SB 289 to Public Health.

SB 291 to Public Health.
SB 292 to Public Health.
SB 293 to Transportation.
SB 297 to Defense and Veterans' Affairs.
SB 300 to Public Education.
SB 309 to Licensing and Administrative Procedures.
SB 316 to Transportation.
SB 328 to Criminal Jurisprudence.
SB 333 to Criminal Jurisprudence.
SB 334 to Transportation.
SB 343 to Public Health.
SB 347 to Public Health.
SB 348 to Transportation.
SB 362 to Elections.
SB 374 to Public Safety.
SB 376 to County Affairs.
SB 381 to Public Health.
SB 395 to Agriculture and Livestock.
SB 397 to Judiciary and Civil Jurisprudence.
SB 405 to Transportation.
SB 407 to Judiciary and Civil Jurisprudence.
SB 420 to Judiciary and Civil Jurisprudence.
SB 424 to Public Health.
SB 434 to Transportation.
SB 445 to Judiciary and Civil Jurisprudence.
SB 446 to Urban Affairs.
SB 470 to Licensing and Administrative Procedures.
SB 476 to Public Health.
SB 477 to Judiciary and Civil Jurisprudence.
SB 481 to Transportation.
SB 492 to Urban Affairs.
SB 497 to Judiciary and Civil Jurisprudence.
SB 503 to Public Education.
SB 504 to Higher Education.

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SB 506 to Public Safety.

SB 517 to Judiciary and Civil Jurisprudence.

SB 524 to County Affairs.

SB 525 to Public Health.

SB 527 to Public Health.

SB 530 to County Affairs.

SB 531 to Public Health.

SB 532 to Public Health.

SB 555 to Judiciary and Civil Jurisprudence.

SB 572 to Human Services.

SB 576 to Ways and Means.

SB 581 to Transportation.

SB 584 to Public Health.

SB 589 to Transportation.

SB 623 to Urban Affairs.

SB 625 to Criminal Jurisprudence.

SB 627 to Judiciary and Civil Jurisprudence.

SB 633 to Corrections.

SB 643 to Public Health.

SB 657 to Judiciary and Civil Jurisprudence.

SB 662 to Public Health.

SB 683 to Judiciary and Civil Jurisprudence.

SB 687 to Public Safety.

SB 703 to Public Health.

SB 730 to Public Safety.

SB 731 to Licensing and Administrative Procedures.

SB 745 to State Affairs.

SB 759 to Public Education.

SB 769 to State Affairs.

SB 820 to Urban Affairs.

SB 987 to Public Education.